

**City of Miami Beach - City Commission Meeting
Commission Chambers, 3rd Floor, City Hall
1700 Convention Center Drive
March 20, 2002**

Mayor David Dermer
Vice-Mayor Saul Gross
Commissioner Matti Herrera Bower
Commissioner Simon Cruz
Commissioner Luis R. Garcia, Jr.
Commissioner Jose Smith
Commissioner Richard L. Steinberg

City Manager Jorge M. Gonzalez
City Attorney Murray H. Dubbin
City Clerk Robert E. Parcher

"Visit us on the Internet at www.ci.miami-beach.fl.us for current and past agendas"

ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

PA1	Present Scholarship Checks/City of Miami Beach, by Volume Services America & SMG.	1
PA2	Cert. of Apprec./Tony Rodriguez for Years of Service to the Budget Advisory Committee.	
PA3	Cert. of Apprec./Al Childress, Code Compliance Dir., for Exemplary Handling of Matters.	
PA4	Cert. of Apprec./Isabella Pozo, Holiday Inn S. Beach, "Going That Extra Mile Award."	
PA5	Proclamation/E. Buchanan (Ex Herald Crime Reporter), University's Career Award.	
PA6	Cert. of Apprec./Coaches & Members of "MB Lightning, Cheerleading Accomplishments.	
PA7	Honorary Citizen Certificate/Ramat Gan Dancers from Israel (Sister Cities Program).	
PA8	Resolution Proclaiming "National Community Development Week" April 1-7, 2002.	3
C2A	BA 07-01/02, MB Convention Center Bleacher Guard Railing Improvements, \$148,250.	6
C2B	BA 03-01/02, Supply/Install 22-Royal Palms/7-Phoenix Canariensis Palms at La Gorce, \$94,725.	9
C4A	Ref: Community Affairs Committee - Review Debarment Proceedings Process.	12
C6A	Report: G.O. Bond Oversight Committee Meeting of February 4, 2002.	14
C6B	Report: Land Use & Development Committee Meeting of February 5, 2002.	16
C6C	Report: Joint Finance & CWP and Neighborhoods Committee Meeting of February 19, 2002.	18
C7A	Reject Bid, Construction of Group "C" Parks: Fairway, Muss & Washington.	22
C7B	Execute Amendment to Agmt w/ Corradino Group, Extension of Time/Additional Services.	27
C7C	Approve Addition of Contingency Allowance, Construction of Portechochere at TOPA.	38
C7D	Approve Criteria, Volume Services of America & SMG Scholarship Program.	43
C7E	Waive Competitive Bidding, Storage of Bass Museum's Permanent Collection. 5/7	56
C7F	Approve City's Year 2003 Federal Legislative Agenda.	61
C7G	Approve Donation of (1) LaFrance Fire Engine to Miami-Dade Community College.	66
C7H	Approve Donation of (1) LaFrance Fire Engine to Sister City of Ica, Peru.	69
C7I	Submit Grant Application, Anti-Terrorism Funding Program.	88
C7J	Submit Grant Application, Assistance to Firefighters Grant Program (2002 Fire Act).	91

C7K	Submit Grant Application, Bulletproof Vest Partnership Program.	94
C7L	Submit Grant Application, Training on Safe Transportation of Hazardous Materials.	97
C7M	Submit Grant Application, Fund The Police Department's Domestic Violence Unit.	100
C7N	Submit Grant Application, Renovation of Fairway Park.	105
C7O	Submit Grant Application (Retroactively), Renovation of North Shore Open Space Park.	110
C7P	Submit Grant Application, Renovation of Bayshore Golf Course.	115
C7Q	Submit Grant Application, Flood Mitigation Assistance Program.	120
C7R	Submit Grant Application, Waterways Assistance Program.	127
C7S	Submit Grant Application, Save America's Treasures Program (Carl Fisher's Monuments).	132
C7T	Set Public Hearing/Amendment to Correct Height & Number of Stories in C-PS Districts.	137
C7U	Set Public Hearing/Amendment to the GC Golf Course Zoning District.	172
C7V	Set Public Hearing/Review DRB Decision, Construction of 10-Story Apt. on Fisher Island.	177
C7W	Adopt 1 st Amendment/Appropriate Funds, Police Special Revenue Account, FY 2001/02.	182
C7X	Execute CIGP-JPA w/ FDOT, Implement Traffic Signal Head/Improvements on Alton Road.	187
C7Y	Appropriate Funds, Replacement of Existing Hangers at Macarthur Causeway Bridge.	256
R2A	BA 04-01/02, Provide Armed & Unarmed Security Guard Services, \$1,271,630.	
R2B	Issue PO, Purchase (10) Chevrolet Impalas, \$174,900.	
R4A	Ref: Finance & CW Projects Committee - Renewal Contract w/ GMCVB.	
R5A	10:30 a.m. 2nd Rdg , Continuing Application for 2-Years After City Service. (Garcia)	
R5B	10:40 a.m. 2nd Rdg , Increase Number of Members on the Cultural Arts Council.	
R5C	10:41 a.m. 2nd Rdg , Provide Minimum Emergency Staffing Standards (Fire Dept.). (Dermer)	
R5D	10:45 a.m. 2nd Rdg , Certain Relationships of City Commission Members Prohibited. (Smith)	
R5E	10:50 a.m. 2nd Rdg , Create Code, Prohibit Camping in Public Places Within the City.	
R5F	11:00 a.m. 1st Rdg , Review Procedures of Demolition of Historically Significant Family Homes.	
R5G	5:01 p.m. 1st Rdg , Designate Flagler Memorial & Monument Island as an Historic Site.	
R5H	5:05 p.m. 1st Rdg , Designate 69th Street Fire Station as an Historic Site.	
R5I	1st Rdg , Amend Code, Posting Signs on Utility Company/Public Property Prohibited.	
R5J	1st Rdg , Amend Code, "Agencies, Boards, & Committees" (Health Advisory Committee).	
R5K	1st Rdg , Amend No. 1605 Unclassified Employees Salary Ordinance.	
R5L	1st Rdg , Amend No. 789 Classified Employees Salary Ordinance.	
R5M	1st Rdg , Amend Code, "Prohibited Campaign Contributions by Vendors, Etc." (Smith)	
R5N	1st Rdg , Amend Code, "Building Regulations" (.).	
R6A	Report: Community Affairs Committee Meeting of March 1, 2002.	
R6B	Report: G.O. Bond Oversight Committee Meeting of March 4, 2002.	
R6C	Report: Land Use & Development Committee Meeting of March 11, 2002.	
R6D	Verbal Report: Finance & Citywide Projects Committee Meeting of March 19, 2002.	
R7A	2:15 p.m. Approve Contract - Sunset Harbour Neighborhood Drainage Project Construction. 5/7th	
R7B	Authorize Adm. to Negotiate Agreem. w/ Firms for South Pointe Streetscape Improvement Proj.	
R7C	Appropriate Funds, Cultural Campus, Regional Library Project.	
R7D	Appropriate Funds, Normandy Isle Park and Pool Facility Construction.	
R7E	Authorize CDBG Funding, North Shore Park & Youth Center Project.	
R7F	Awarding The Regional Library Construction Contract.	
R7G	Approve Funds, Tourism Oriented Projects in the North Beach Area.	
R7H	Execute Mgmt Agreement w/ Green Square, Inc./Flamingo Park Tennis Ctr Operations Svs.	
R7I	Adopt Second Amendment, Police Confiscation Trust Fund for FY 01/02.	
R7J	Award Contract, Laumar Roofing South, Inc./Byron Carlyle Roof & AC Replacement.	
R7K	Approve Miami Beach Business Assistance Program.	

- R9A Board And Committee Appointments.
- R9B1 Stanley Sutnick Citizen's Forum.
- R9B2 Stanley Sutnick Citizen's Forum.
- R9C Discussion, Municipal Mobility Plan. (Steinberg)
- R9D Disc. Implem. Local Preference in Award of Contracts to MB based vendors. (Smith)
- R9E Disc. Amending Code, Creating Two (2) Sections re: Lobbyist Fee Disclosure. (Bower)
- R9F Discussion Regarding Rental Motor Scooters. (Smith)
- R9G Disc. Experimental Parking on Euclid & Pennsylvania. (Steinberg)
- R9H Disc. Reso: Regarding Convention Center Development Tax. (Smith)
- R9I Disc./Urging Florida State Legislature to Prevent Redistricting Proposal. (Steinberg)
- R9J Disc./Referral, Quality of Education Committee. (Bower)
- R9K Disc. Amend Code, to Allow for Joint Use of Sites by Street Performers and Vendors. (Bower)
- R10A Closed Executive Session - Carmen Patterson & Michael Somberg, vs CMB.
- R10B Closed Executive Session - East Coastline Development vs CMB.

REPORTS AND INFORMATIONAL ITEMS

- A City Attorney's Status Report.
- B Parking Status Report.
- C Status Report On Fire Station No. 2.
- D Status Report On Fire Station No. 4.
- E Report on All City Contracts for Renewal/Extension Exceeding \$25,000.
- F Status Report on Dialogue w/ RDP Royal Palm Crowne Plaza.

REDEVELOPMENT AGENCY ITEMS

- 2A Report of Itemized Revenues/Expenditures of RDA for January 2002.
- 2B Report on Parking Operations/Anchor Shops and Parking for January 2002.
- 3A Resolution/ Lease Assignment from Flagler Mgmt, Inc to CDP Capital/Montreal Mode Investm.
- 3B Resolution to RFQ No. 57-00/01 for Professional Services. So. Pointe Streetscape Project.
- 3C Resolution Approp. Funds, Cultural Campus/Regional Library Project.

Meeting called to order at 9:23:35 a.m.

Inspirational message given by Father Enrique Estrada from St. Patrick's Catholic Church.

Pledge of Allegiance led by Chief Don De Lucca

Requests for Additions, Withdrawals, and Deferrals

PA - Presentations and Awards

- PA1 Volume Services America And SMG Will Present Scholarship Checks To The City Of Miami Beach.
(City Manager's Office)

ACTION: Scholarship checks presented.

Jorge Gonzalez, City Manager, advised the Commission that they will be approving the criteria for these scholarships.

- PA2 Certificate Of Appreciation To Be Presented To Tony Rodriguez, For His Years Of Service To The Budget Advisory Committee.
(Requested By Commissioner Luis R. Garcia, Jr.)

ACTION: Certificate of Appreciation presented.

- PA3 Certificate Of Appreciation To Be Presented To Al Childress, Director Of Code Compliance, For His Exemplary Handling Of Matters Related To Code Compliance.
(Requested By Commissioner Luis R. Garcia, Jr.)

ACTION: Certificate of Appreciation presented.

Commissioner Garcia, who was wearing an orange Kiwanis Club jacket, stated that his intention was to promote the Leon Manne Golf Tournament being held on April 1. Every year the Kiwanis Club gives out nearly \$30,000 in scholarships and this tournament is one of the Club's fundraising events.

- PA4 Certificate Of Appreciation Presented To Isabella Pozo, Holiday Inn South Beach, In Recognition For Receiving The "Going That Extra Mile Award."
(Requested By Mayor David Dermer)

ACTION: Withdrawn.

- PA5 Proclamation To Be Presented To Edna Buchanan, For Her Eighteen Years Of Covering Crime For The Herald News And Receiving The University's Career Award.
(Requested By Mayor David Dermer)

ACTION: Withdrawn.

5:29:45 p.m.

- PA6 Certificates Of Appreciation To Be Presented To The Coaches And Members Of The City Of Miami Beach Parks And Recreation Cheerleading Team "Miami Beach Lightning", In Recognition Of Their Outstanding Accomplishment At The United States Cheerleading And Dance Championship Held March 1-3, 2002, In Orlando.

(Parks & Recreation)

ACTION: Certificates of Appreciation presented.

The group performed a "cheer" for the Commission. Kevin Smith, Parks and Recreation Director stated that the team had been awarded first place in national competition. He recognized the team members and coaches for their hard work.

- PA7 Honorary Citizen Certificates Presented To The Ramat Gan Dancers From Israel (Sister Cities Program).

(Requested By Mayor David Dermer)

ACTION: Honorary Citizen Certificates presented.

- PA8 A Resolution Proclaiming April 1, 2002 Through April 7, 2002 "National Community Development Week" In The City Of Miami Beach.

(Neighborhood Services)

ACTION: Resolution No. 2002-24772 adopted. Motion made by Commissioner Bower; seconded by Commissioner Smith; Voice vote: 6-0; Absent: Commissioner Cruz. Vivian Guzman to handle.

CONSENT AGENDA

ACTION: Motion made by Commissioner Smith to approve the Consent Agenda; seconded by Commissioner Cruz; Voice vote: 7-0.

C2 - Competitive Bid Reports

- C2A Request For Approval To Award A Contract To MacGregor (USA) Inc. In The Amount Of \$148,250, Pursuant To Invitation To Bid No. 07-01/02, For The Miami Beach Convention Center Bleacher Guard Railing Improvements.

(Cultural Affairs & Tourism Development)

ACTION: Contract awarded. Doug Tober to handle.

- C2B Request For Approval To Award A Contract To Tip Top Tree And Landscaping Services, In The Amount Of \$94,725, Pursuant To Bid No. 03-01/02, For The Supply, Delivery And Installation Of Twenty-Two Royal Palms And Seven Phoenix Canariensis Palms At La Gorce Island.
(Capital Improvement Projects)

ACTION: Contract awarded. Tim Hemstreet to handle.

C4 - Commission Committee Assignments

- C4A Referral To The Community Affairs Committee For Review Of The Process By Which Investigations Concerning Debarment Proceedings Are Conducted.
(Procurement)

ACTION: Referred. Mayra Diaz Buttacavoli to place on Committee agenda. Gus Lopez to handle.

C6 - Commission Committee Reports

- C6A Report Of The General Obligation Bond Oversight Committee Meeting Of February 4, 2002: **1)** Project Status Report: a) Beach Planting; b) Alton Road 20th Street, & Sunset Drive Intersection; c) Corradino Architecture/Engineer Fees - Scott Rakow Youth Center, Flamingo Pool Renovation And Expansion; And **2)** Informational Items: a) Updated Calendar Of Scheduled Community Design Workshops; b) Community Design Workshops Held In January 2002; c) CIP Office Charge Back Allocations.

ACTION: Written report submitted.

- 1a)** The Administration informed the Committee that the North Beach portion of the Citywide Dune Restoration and Enhancement program will be done in conjunction with the construction of the North Beach Recreational Corridor Project that is planned to start in the fall. Restoration of the dunes in the Middle Beach district will begin in early 2003. Restoration of South Beach district is ongoing.
- 1b)** The Committee was informed that the Alton Road at 20th Street project is scheduled to begin late February 2002, after the Miami Beach Boat Show.
- 1c)** The Administration informed the Committee that the A/E on the Scott Rakow Youth Center, Flamingo Pool Renovation and Expansion and the Normandy Isle Park and Pool projects are due additional fees, because the consultant stayed on the project after the expiration of the contract. The additional fees will not come from General Obligation Bonds.
- 2a)** The report did not reflect any action taken.
- 2b)** The Administration informed the Committee that the following Neighborhoods had their Community Design Workshop(s): **a)** Oceanfront; **b)** La Gorce; **c)** Normandy Isle.
- 2c)** The Change Order Report was reviewed. There was a request to add information relative to the time delay associated with each approved Change Order.

City Clerk's Note: In the written report the following action was listed: The Committee approved a motion to recommend to the City Commission that \$10,857.25 be appropriated from the General Obligation Bond Series 2000 funds for the completion of the Normandie Sud Traffic Impact Study. The study will be included as part of the Normandy Isle and Normandie Sud Neighborhood Improvements project. The Committee requested that the Administration complete the study within sixty (60) days. **Fred Beckmann to handle.**

9:56:48 a.m.

- C6B Report Of The Land Use And Development Committee Meeting Of February 5, 2002: **1)** Discussion On The Concurrency Procedures; **2)** Review Of Ordinance Dealing With Proposed Procedure For

The Demolition Of Single Family Homes; **3)** Discussion On Use Of Mr. Richard Shindler's Property (715-82nd Street) As A Real Estate Management Office; And **4)** Review Of Proposed Ordinance Amending Design Review Board Voting Requirements.

ACTION: Item separated for discussion by Commissioner Garcia. Motion made by Commissioner Cruz; seconded by Commissioner Bower; Voice vote: 7-0.

Commissioner Garcia stated that concerning the concurrency issue, somehow it was limited to retail only. He thought that restaurants were also included.

Jorge Gonzalez, City Manager, stated that the intent is to include any commercial use, whether it was a restaurant or a store, based on the size criteria and threshold of trips generated. If credits are due those affected will receive a credit.

1. Motion directing the Administration to prepare a policy for City Commission approval for existing structures of 2,500 sq. ft. or less to be able to receive a concurrency credit based on the last use of the property regardless of the amount of time said use has been idle. Secondly, create an Ad Hoc Citizens Committee to participate in the review and discussion of the City Concurrency Management System and to assist with community and business outreach. **Joseph Johnson to handle.**

City Clerk's Note R6B (1): See Commission Agenda 2/20/2002 - item R7B (Ad Hoc Committee) and 2/20/2002 - R7G (Existing structures of 2,500 sq. ft.)

2. Motion to modify proposed ordinance by removing ex-officio member from the Single Family Review Board, add a newspaper notice requirement when an application is reviewed by the Board, and for the ordinance to be reviewed by the Design Review and Historic Preservation Boards prior to the Planning Board's public hearing. **Jorge Gomez to handle.**
3. Motion to refer to the Planning Board an ordinance that establishes an administrative management office for multiple residential buildings as a conditional use in the RM-1, RM-2, and RM-3 multi-family districts. **Jorge Gomez to handle.**
4. Motion to reject the proposed ordinance that modifies the voting requirements of the Design Review Board to a majority of the members present, and instead refer to the Planning Board an ordinance that changes the voting requirement for City Commission appointments from 5/7th to 4/7ths. In addition, refer to the Planning Board an ordinance that changes the membership of the Board of Adjustment in order to have a total of seven voting members. **Jorge Gomez to handle.**

C6C Report Of The Joint Finance & Citywide Projects And Neighborhoods Committee Meeting Of February 19, 2002: **1)** Discussion Regarding A West Avenue/Dade Boulevard Proposed Connector Bridge; **2)** Discussion Regarding An Ordinance Amending Miami Beach City Code Chapter 42 "Emergency Services," By Adding Section 42-1 Entitled "Minimum Staffing," Providing For Certain Minimum Emergency Equipment And Staffing Standards; Providing For Repealer, Severability, Codification, And Effective Date; And **3)** To Discuss Petitions From A Majority Of The Property Owners Of The Star, Palm And Hibiscus Islands And Sunset Islands 3 & 4 To Consider The Establishment Of Special Assessment Areas To Provide Financing For The Undergrounding Of Overhead Utilities.

ACTION: Written report submitted.

1. The Joint Committee recommended that Commissioner Bower discuss the proposed West Avenue/Dade Boulevard Connector Bridge options with the Housing Authority and come back to the next Joint Finance and Citywide Projects Committee and Neighborhood Committee meeting with her findings. **Fred Beckmann to handle.**
2. Moved to full Commission. First Reading held on February 20, 2002. Second reading and Public Hearing see item R5C.
3. Moved to full Commission.

C7 - Resolutions

C7A A Resolution Authorizing The Administration To Reject The Only Bid Received In Response To Invitation To Bid No. 41-00/01, For The Construction Of The Group "C" Parks Comprised Of: Fairway, Muss And Washington Parks.

(Capital Improvement Projects)

ACTION: Withdrawn.

Handout:

1. Letter to Jorge M. Gonzalez from Ms. Draguisa Gomero, President, Regosa Engineering, Inc, dated March 20, 2002
2. Letter to Commissioner Jose Smith from Draguisa Gomero, President, Regosa Engineering, Inc, dated March 4, 2002

C7B A Resolution Approving And Authorizing The Mayor And City Clerk To Execute An Amendment To The Current Agreement Between The City Of Miami Beach And The Corradino Group (Formerly Known As Carr Smith Corradino) For Parks Master Plan Bond Program Sites Scott Rakow Youth Center, Flamingo Park And Normandy Park To Provide For The Extension Of Time And For Additional Services, In The Net Amount Of \$48,134, For The Projects; Also Deleting The Flamingo Park Renovation From The Scope Of Services; Further Appropriating \$48,134 From The Capital Projects Reserve Fund.

(Capital Improvement Projects)

ACTION: Withdrawn.

C7C A Resolution Approving The Addition Of A Contingency Allowance, In The Amount Of \$35,000, To The Project Budget For The Construction Of The Portecochere At The Jackie Gleason Theater Of The Performing Arts; And Appropriating \$35,000 To Fund This Contingency As Follows: \$29,000 From The Convention Center Exterior Signage Account, And \$6,000 From The Convention

Center/TOPA Miscellaneous Account.
(Capital Improvement Projects)

ACTION: Resolution No. 2002-24773 adopted. Patricia Walker to appropriate the funds. Tim Hemstreet to handle.

- C7D A Resolution Approving The Criteria Established For The Volume Services Of America And SMG Scholarship Program.
(City Manager's Office)

ACTION: Resolution No. 2002-24775 adopted. Maria Ruiz to handle.

- C7E A Resolution Waiving By 5/7ths Vote, The Formal Competitive Bidding Requirements And Approving The Use Of The Fortress-Miami Corp., In A Not To Exceed Amount Of \$70,245, For The Storage Of The Bass Museum's Permanent Collection, On A Month-To-Month Basis, Until Such Time That The Bass Museum Expansion And Renovation Project Is Complete.
(Cultural Affairs & Tourism Development)

ACTION: Resolution No. 2002-24777 adopted. Christina Cuervo to handle.

9:59:30 a.m.

- C7F A Resolution Approving The City's Year 2003 Federal Legislative Agenda.
(Economic Development)

ACTION: Item separated for discussion by Commissioner Bower. Resolution No. 2002-24778 adopted. Motion made by Commissioner Bower to add issues related to "education" to the Federal Legislative Agenda and to adopt the Legislative Agenda; seconded by Commissioner Cruz; Voice vote: 7-0. Christina Cuervo to handle.

- C7G A Resolution Approving And Authorizing The Donation Of One (1) 1975 American LaFrance Fire Engine In "As Is" Condition To The School Of Fire And Environmental Sciences At Miami-Dade Community College North Campus.
(Fire Department)

ACTION: Resolution No. 2002-24779 adopted. Chief Jordan and Drew Terpak to handle.

10:01:11 a.m.

- C7H A Resolution Approving And Authorizing The Donation Of One (1) 1971 American LaFrance Fire Engine In "As Is" Condition To Its Sister City Of Ica, Peru.
(Fire Department)

ACTION: Item separated for discussion by Commissioner Bower. Resolution No. 2002-24780 adopted. Motion made by Commissioner Bower; seconded by Commissioner Garcia. Voice vote: 7-0. Chief Jordan and Drew Terpak to handle.

Commissioner Bower stated that Sister City Ica, Peru is naming their second fire station "Miami Beach."

Roberto Datorre, spoke on behalf of Ica, Peru, and thanked the Commission for the donation.

10:04:48 a.m.

Commission Garcia stated that the Town of Surfside had re-elected Mayor Paul Novack and the incumbent Commissioners. Mayor Dermer and the entire City Commission congratulated the newly elected officials of Surfside.

- C7I A Resolution Authorizing The City Manager, Or His Designee, To Submit A Grant Application In An Amount Not To Exceed \$500,000, To The Miami-Dade County Office Of Emergency Management, For Training Funds Through The Anti-Terrorism Funding Program, The Funds Will Be Used To Train Fire Department Personnel In The Area Of Anti-Terrorism; And To Appropriate The Funds, If Awarded.

(Grants Management)

ACTION: Resolution No. 2002-24781 adopted. Mayra Diaz Buttacavoli to submit the grant. If awarded, Patricia Walker to appropriate the funds and Chief Jordan to handle.

- C7J A Resolution Authorizing The City Manager, Or His Designee, To Submit A Grant Application For An Amount Not To Exceed \$900,000, To The United States Fire Administration, Assistance To Firefighters Grant Program (2002 Fire Act), For Funds Necessary To Increase The City's Fire Department Capacity; And To Appropriate The Funds, If Awarded.

(Grants Management)

ACTION: Resolution No. 2002-24782 adopted. Mayra Diaz Buttacavoli to submit the grant. If awarded, Patricia Walker to appropriate the funds and Chief Jordan to handle.

- C7K A Resolution Authorizing The City Manager, Or His Designee, To Submit A Grant Application For An Amount Not To Exceed \$100,000, To The Department Of Justice, For Funds Available Through The Bulletproof Vest Partnership Program, While Leveraging Existing Departmental Funding; And To Appropriate The Funds, If Awarded.

(Grants Management)

ACTION: Resolution No. 2002-24783 adopted. Mayra Diaz Buttacavoli to submit the grant. If awarded, Patricia Walker to appropriate the funds and Chief De Lucca to handle.

- C7L A Resolution Authorizing The City Manager, Or His Designee, To Submit A Grant Request For An Amount Not To Exceed \$30,000, To The South Florida Regional Planning Council, For Funds To Be Used In Providing Necessary Training On The Subject Matter Of Safe Transportation Of Hazardous

Materials, While Leveraging Existing Departmental Training Funds; And To Appropriate The Funds, If Awarded.

(Grants Management)

ACTION: Resolution No. 2002-24784 adopted. Mayra Diaz Buttacavoli to submit the grant. If awarded, Patricia Walker to appropriate the funds and Chief Jordan to handle.

- C7M A Resolution Retroactively Authorizing The City Manager Or His Designee, To Submit A Grant Application, In the Amount Of \$35,400, To The Florida Attorney General's Office, For Grant Funds Provided Through The Victims Of Crime Act (VOCA), The Funds To Be Used To Fund The Police Department's Domestic Violence Unit, With Matching Funds, In The Amount Of \$8,850, From The Police Confiscations Account; And Appropriate The Funds, If Awarded.

(Grants Management)

ACTION: Resolution No. 2002-24785 adopted. Mayra Diaz Buttacavoli to submit the grant. If awarded, Patricia Walker to appropriate the funds and Chief De Lucca to handle.

- C7N A Resolution Authorizing The City Manager Or His Designee To Submit A Grant Application To The Urban Park And Recreation Recovery Program (UPARR) For Federal Funds, In An Amount Not To Exceed \$175,000, To Be Matched With \$75,000 Of City Funding From The Approved \$92 Million General Obligation Bond Program, For The Renovation Of Fairway Park; Further Appropriating The Grant If Approved And Accepted By The City; And Authorizing The Mayor And City Clerk To Execute All Necessary Documents Related To This Application.

(Grants Management)

ACTION: Resolution No. 2002-24786 adopted. Mayra Diaz Buttacavoli to submit the grant. If awarded, Patricia Walker to appropriate the funds and Tim Hemstreet to handle.

- C7O A Resolution Retroactively Authorizing The City Manager Or His Designee To Submit A Grant Application To The Florida Department Of Environmental Protection, Land And Water Conservation Fund Program (LWCF), For State Funds In An Amount Not To Exceed \$100,000, To Be Matched With \$100,000 Of City Funding From The Miami-Dade County Safe Neighborhoods Bond Program For The Renovation Of North Shore Open Space Park, Phase III; Further Appropriating The Grant If Approved And Accepted By The City; And Authorizing The Mayor And City Clerk To Execute All Necessary Documents Related To This Application.

(Grants Management)

ACTION: Resolution No. 2002-24787 adopted. If awarded, Patricia Walker to appropriate the funds and Tim Hemstreet to handle.

- C7P A Resolution Authorizing The City Manager Or His Designee To Submit A Grant Application To The South Florida Water Management District (SFWMD), For State Funds, In An Amount Not To Exceed \$250,000, To Be Matched With \$250,000 Of City Funding From The Gulf Breeze Loan Pool, For Funding Of An Alternative Water Supply Project For The Irrigation Of Bayshore Golf Course; Further Appropriating The Grant If Approved And Accepted By The City; And Authorizing The Mayor And City Clerk To Execute All Necessary Documents Related To This Application.
(Grants Management)

ACTION: Resolution No. 2002-24788 adopted. Mayra Diaz Buttacavoli to submit the grant. If awarded, Patricia Walker to appropriate the funds and Tim Hemstreet to handle.

- C7Q A Resolution Authorizing The City Manager Or His Designee To Submit A Grant Application To The State Of Florida, Department Of Community Affairs, Flood Mitigation Assistance Program For Federal Funds In An Amount Not To Exceed \$1,600,000, To Be Matched With \$400,000 Of City Funding From The Approved Series 2000 Stormwater Bonds For Mitigation Measures That Will Reduce Or Eliminate The Long-Term Risk Of Flood Damage In The City Of Miami Beach; Further Appropriating The Grant If Approved And Accepted By The City And Authorizing The Mayor And City Clerk To Execute All Necessary Documents Related To This Application.
(Grants Management)

ACTION: Resolution No. 2002-24789 adopted. Mayra Diaz Buttacavoli to submit the grant. If awarded, Patricia Walker to appropriate the funds and Fred Beckmann to handle.

- C7R A Resolution Authorizing The City Manager Or His Designee To Submit A Grant Application To The Florida Inland Navigation District (FIND), Waterways Assistance Program, For State Funds, In An Amount Not To Exceed \$412,500, To Be Matched With \$412,500 Of City Funding From The Approved \$92 Million General Obligation Bond Program, For Restoration Of Citywide Seawalls; Further Appropriating The Grant If Approved And Accepted By The City And Authorizing The Mayor And City Clerk To Execute All Necessary Documents Related To This Application.
(Grants Management)

ACTION: Resolution No. 2002-24790 adopted. Mayra Diaz Buttacavoli to submit the grant. If awarded, Patricia Walker to appropriate the funds and Fred Beckmann to handle.

- C7S A Resolution Authorizing The City Manager Or His Designee To Submit A Grant Application To The National Endowment For The Arts, Save America's Treasures Program For Federal Funds In An Amount Not To Exceed The Grant Maximum Of \$1,000,000 To Be Matched With Private Donations, In Kind Contributions, Future Identified Grant Opportunities And City Funding, If Available; For The Restoration Of The Carl Fisher Collection Of Monuments And Other Pieces; Further Appropriating The Grant If Approved And Accepted By The City And Authorizing The Mayor And City Clerk To Execute All Necessary Documents Related To This Application.
(Grants Management)

ACTION: Resolution No. 2002-24791 adopted. Mayra Diaz Buttacavoli to submit the grant. If awarded, Patricia Walker to appropriate the funds and Fred Beckmann to handle.

- C7T Proposed Amendment To Correct Height And Number Of Stories In C-PS Districts
A Resolution To Set A Public Hearing To Consider An Amendment To The Code Of The City Of Miami Beach, Florida, Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 18, "PS Performance Standard District," By Modifying The Height And Number Of Stories In The C-PS Zoning Districts For Residential And Hotel Development.
(Planning Department)

ACTION: Resolution No. 2002-24792 adopted. Public hearing scheduled for April 10, 2002. R. Parcher to notice. Lilia Cardillo to place on the agenda. Jorge Gomez to handle.

- C7U Proposed Amendments To The GC Golf Course Zoning District
A Resolution Setting A Public Hearing To Consider A Proposed Amendment To The Land Development Regulations Of The Code Of The City Of Miami Beach, Florida, Amending Chapter 142, Article 2, Division 8, "GC Golf Course District" By Amending Section 142-392, "Main Permitted Uses," To Include Additional Main Permitted Uses; Amending Section 142-395, "Development Regulations," To Revise Permitted Height And To Include A Floor Area Ratio Restriction; Amending 142-396, "Setback Requirements," To Revise Setback Requirements And To Include Setback Requirements For An At-Grade Parking Lot, Storage Facilities And Dumping Sites; And To Include Noise Regulations.
(Planning Department)

ACTION: Resolution No. 2002-24793 adopted. Public hearing scheduled for April 10, 2002. R. Parcher to notice. Lilia Cardillo to place on the agenda. Jorge Gomez to handle.

- C7V A Resolution Setting A Public Hearing To Review A Design Review Board Decision Approving A Request By Fisher Islands Holdings, LLC For The Construction Of A Single Ten (10) Story Apartment Structure Located At The Easternmost Portion Of The Site At One Fisher Island Drive On Fisher Island.
(Planning Department)

ACTION: Resolution No. 2002-24794 adopted. Public hearing scheduled for April 10, 2002. R. Parcher to notice. Lilia Cardillo to place on the agenda. Jorge Gomez to handle.

- C7W A Resolution Adopting The First Amendment To The Budget And Appropriating Funds For The Police Special Revenue Account For Fiscal Year 2001/02, In The Amount Of \$6,830, Such Account Funded By Unclaimed Evidence Currently Held In The Police Special Revenue Account.
(Police Department)

ACTION: Resolution No. 2002-24795 adopted. Patricia Walker to appropriate the funds. Chief De Lucca to handle.

9:52:29 a.m.

C7X A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A County Incentive Grant Program Agreement (CIGP-JPA) With The Florida Department Of Transportation And Miami-Dade County, In The Amount Of \$140,000; Being \$70,000 In CIGP Grant Funds, And \$70,000 In Concurrency Mitigation-South Beach Funds, As Previously Authorized By Resolution No. 2001-24374, Dated May 16, 2001; And Further Appropriating Both The Grant And Concurrency Mitigation Funds For The Final Design And Implementation Of Traffic Signal Head/Intersection Improvements On Alton Road, From 8th Street To Dade Boulevard.

(Public Works)

ACTION: Item separated for discussion by Commissioner Gross. Resolution No. 2002-24796 adopted. Motion made by Commissioner Bower; seconded by Commissioner Steinberg; Voice vote: 7-0. Patricia Walker to appropriate the funds. Fred Beckmann to handle.

Vice-Mayor Gross, referencing page 253 of the Commission Agenda, stated that the largest expenditures from the Concurrency Mitigation Fund are for the salaries of the mitigation department. The City is collecting money to pay the salaries of the people administering the program but we are not doing projects fast enough. He also questioned whether it is appropriate to pay the salaries of staff to administer the program. He would like to see the money being spent on projects to help traffic flow better in the City.

Fred Beckmann, Public Works Director, stated that he agrees with Vice-Mayor Gross. He is pushing staff to develop and immediately begin construction. This year minimal funds are being used for salaries and the department is applying the money to develop projects or to build them.

Commissioner Bower stated that Community Development Block Grant (CDBG) funds also pay for all the employees' salaries. In order to get more money to the needy it would be helpful to look at salaries paid from CDBG funds.

C7Y A Resolution Authorizing The Appropriation Of Funds In The Amount Of \$650,000 For The Replacement Of Existing Hangers Supporting A 20-Inch Water Main At The South Side Of The East Macarthur Causeway Bridge, Required As A Result Of Emergency Bridge Rehabilitation Work To Be Constructed By The State Of Florida Department Of Transportation; Said Funds To Be Obtained From Fund 425, Water And Sewer Retained Earnings.

(Public Works)

ACTION: Resolution No. 2002-24797 adopted. Patricia Walker to appropriate the funds. Fred Beckmann to handle.

End of Consent Agenda

REGULAR AGENDA**R2 - Competitive Bid Reports****3:53:57 p.m.**

R2A Request For Approval To Award A Contract To Armor Security, Inc. As The Primary Vendor To Provide Armed And Unarmed Security Guard Services For An Estimated Annual Amount Of \$1,271,630, Pursuant To Invitation To Bid No. 04-01/02; Further Request Approval To Award A Contract To Corporate Protection Security Group, Inc. As The Secondary Vendor To Be Used Only In The Event That The Primary Vendor (Armor Security Inc.) Cannot Fulfill Their Contractual Obligations.

(Public Works)

ACTION: Award approved. Motion made by Commissioner Steinberg as approved by Vice-Mayor Gross; seconded by Commissioner Smith; Voice vote: 7-0. Fred Beckmann to handle.

Commissioner Smith wanted to know the provision for liability insurance. Jorge Gonzalez, City Manager, stated that the liability insurance is \$1 million dollars. The City's Risk Manager has deemed that \$1 million dollars is sufficient.

Vice-Mayor Gross added the following to the motion: The Administration to investigate the cost of additional insurance and if the Administration feels it's reasonable, that the extra expense be incurred.

Cliff Leonard to handle.

Commissioner Steinberg asked what the City is trying to accomplish with the existing security services. Jorge Gonzalez, City Manager, stated that at this time their primary purpose is to control access to the building. The Administration has been scaling this service back. The service may be eliminated in the future.

3:59:28 p.m.

R2B Request For Approval To Issue A Purchase To Garber Chevrolet For The Purchase Of Ten (10) Chevrolet Impalas, Pursuant To Florida State Contract No. 01-09-0905, In The Amount Of \$174,900.
(Fleet Management)

ACTION: Award approved. Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Voice vote: 6-0; Absent: Commissioner Cruz. Gus Lopez to issue a Purchase Order. Drew Terpak to handle.

4:20:39 p.m.

R4A Referral To Finance And Citywide Projects Committee - Consideration Of Alternatives Relative To The City's Existing Renewal Option In The Contract With The Greater Miami Convention And Visitors Bureau (GMCVB).

(City Manager's Office)

ACTION: Referred. Motion made by Commissioner Bower; seconded by Commissioner Smith; Voice vote: 7-0. Patricia Walker to place on the Committee agenda. Christina Cuervo to handle.

R5 – Ordinances

10:43:25 a.m.

R5A An Ordinance Amending Miami Beach City Code Chapter 2 "Administration", Division 2 Thereof By Creating Section 2-460 Entitled "Continuing Application For Two Years After City Service", Prohibiting Certain Post-Employment Activity Of City Officers Or Employees For A Period Of Two Years After Leaving City Employment; Providing For Repealer, Severability, Codification, And Effective Date.

10:30 A.M. Second Reading, Public Hearing.

(Requested By Commissioner Luis R. Garcia, Jr.)

(Continued From February 20, 2002)

ACTION: Public Hearing opened and continued to April 10, 2002 at 11:00 a.m. Motion made by Commissioner Bower; seconded by Commissioner Smith; Voice vote: 7-0. Lilia Cardillo to place on agenda.

10:45:13 a.m.

R5B An Ordinance Amending Miami Beach City Code Chapter 2, Entitled "Administration," By Amending Article III Thereof, Entitled "Agencies, Boards, And Committees," By Amending Division 6, Entitled "Cultural Arts Council," By Amending Section 2-54, Entitled "Composition" And Section 2-55(c), Entitled "Appointment And Term Of Members"; Increasing The Number Of Members On The Council From Nine To Eleven Voting Members; Providing For Severability; Codification; Repealer; And An Effective Date. **10:40 A.M. Second Reading, Public Hearing.**

(Cultural Affairs & Tourism Development)

(First Reading On February 20, 2002)

ACTION: Public Hearing held. Ordinance Number 2002-3350 adopted. Motion made by Commissioner Bower; seconded by Commissioner Steinberg; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code Corporation. R. Parcher and David Whitman to handle.

Handout:

1. Notice of Ad in Miami Herald

10:46:17 a.m.

R5C An Ordinance Amending Miami Beach City Code Chapter 42 "Emergency Services," By Adding Section 42-1 Entitled "Minimum Staffing," Providing For Certain Minimum Emergency Equipment And Staffing Standards; Providing For Repealer, Severability, Codification, And Effective Date.

10:41 A.M. Second Reading, Public Hearing.

(Requested by Mayor Dermer)

ACTION: Public Hearing held. Ordinance Number 2002-3351 adopted as amended. Motion made by Commissioner Bower; seconded by Commissioner Smith; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code Corporation. Chief Jordan and Patricia Walker to handle.

Mayor Dermer thanked the firefighters for the way they handled the two recent fires in the City.

Mayor Dermer distributed a revised ordinance.

Jorge Gonzalez, City Manager, stated that the revised ordinance submitted by Mayor Dermer has deleted the elements pertaining to firefighters who are on paramedic training that they would count towards the minimum staffing level.

Amendment 1:

The first Whereas clause: "... Maintain emergency services ~~standards~~ staffing levels which comport with established safety ~~requirements~~ standards; and "

Amendment 2:

The fourth Whereas clause: "...certain staffing ~~requirements~~ levels must be met...."

Amendment 3:

Commissioner Smith added the following amendment.

The Now, Therefore, clause:

"d. One (1) officer per EMS Supervisor Unit.

The foregoing staffing shall be accomplished without reducing the number of fire apparatus or rescue apparatus currently provided by the Miami Beach Fire Department for other than routine service and maintenance.

In the event that any new models or types of apparatus are placed into service, other than those specified in this section, safe staffing levels shall be established which act in accordance with industry standards.

~~In determining compliance with the ordinance, the period of time during any shift when on-duty firefighters are in paramedic training will not be considered to reduce the shift staffing and fire apparatus will be permitted to respond with available on-duty staffing. The implementation of this ordinance will occur over several fiscal years, with the percentage of shifts, meeting the required minimum staffing, increasing each year until the minimum staffing requirement is met for all shifts.~~

Amendment 4: Effective date of the ordinance was changed to November 1, 2002.

Jack Richardson, President of the Fire Fighters Union, spoke.

Adonis Garcia, Fire Fighters Union, spoke.

Fire Chief Floyd Jordan stated that the City presently pays overtime for individuals to cover personnel in school. Approximately 20% of the time there is no overtime needed because normal staffing is adequate to cover.

Vice-Mayor Gross stated that the issue is how to ramp-up the number of firefighters to achieve minimum staffing. He stated that the Administration has made a reasonable proposal on how to achieve minimum staffing by hiring four (4) firefighters now and reevaluating.

Jack Richardson thanked every one and stated that the Commission should be proud of their actions today. He knows this is a tough process and he understands the budget constraints. He also stated that Jorge Gonzalez, City Manager, has been the best City Manager the Fire Department has had in the 22 years he has been here.

Handout:

1. Notice of Ad in Miami Herald

11:30:07 a.m.

R5D An Ordinance Amending Miami Beach City Code Chapter 2, Adding Section 2-461 Entitled "Certain Relationships Of City Commission Members Prohibited," By Prohibiting Members Of The City

Commission From Either Directly Or Indirectly Appearing, Representing, Contracting With Or Acting On Behalf Of A Party Other Than A Non Profit Entity On A Non-Compensated Basis With Respect To Any Issue Concerning That Party Coming Before The City Commission; Providing For Repealer, Severability, Codification, And Effective Date. **10:45 A.M. Second Reading, Public Hearing.**

(Requested By Vice-Mayor Jose Smith)

(First Reading On February 20, 2002)

ACTION: Public Hearing held. **Ordinance Number 2002-3352 adopted.** Motion made by Commissioner Smith; seconded by Commissioner Bower; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code Corporation.

Handout:

1. Notice of Ad in Miami Herald
2. Document titled: "Camping Prohibited Ordinance. March 20, 2002 R5E submitted by Mr. Frank Del Vecchio.

11:31:49 a.m.

R5E An Ordinance Creating Miami Beach City Code Section 70-45, Entitled "Camping Prohibited" Of Miami Beach City Code Chapter 70, Entitled "Offenses-Miscellaneous"; Providing For Definitions; Prohibiting Camping In Public Places Located Within The City; Providing For Enforcement; Providing For Penalties; Providing For Repealer, Severability, Codification, And An Effective Date.

10:50 A.M. Second Reading, Public Hearing.

(Neighborhood Services)

(First Reading On February 20, 2002)

ACTION: Public Hearing held. **Ordinance Number 2002-3353 adopted as amended.** Motion made by Commissioner Garcia; seconded by Commissioner Steinberg; Ballot vote: 6-1: Opposed Vice Mayor Gross. R. Parcher to transmit to Municipal Code Corporation. Vivian Guzman to handle.

Frank Del Vecchio spoke.

Martha Diaz, Assistant City Attorney, stated that there has never been an issue of targeting any type of people. The purpose of this ordinance is to improve the quality of life for the residents of Miami Beach. The homeless population may be affected, but this does not mean they are being targeted or discriminated against. If a shelter is available, an offer of shelter will be made. If this person refuses the offer, then they are in violation of the ordinance.

Mr. Benjamin Waxman, attorney on the City of Miami versus Pottinger case, spoke.

Mr. Ben Burton, Executive Director, Miami Coalition for the Homeless, spoke.

Mr. Rafael Velasquez spoke.

Commissioner Bower is in favor of the program because it offers alternatives to the problem. She wants the citizens to know that the Commission is not taking this action in a vacuum.

Commissioner Garcia stated that Mr. Waxman's comments regarding the comparison between the City of Miami and the City of Miami Beach is incorrect. In the City of Miami the homeless were almost brutalized. Miami Beach is offering an alternative. The City is trying to provide safety to the entire community by controlling the intoxicated individuals that sleep on the beaches and public places.

Commissioner Smith stated that the City has gone out of the way to address the homeless issue; issues of the poor, the unemployed, and the conditions that leads to homelessness. The Housing Authority, Economic Community Development, the Miami Beach Community Development Corp. and North Beach Community Development Corp. award funds to organizations to address these issues. The City of Miami Beach continues to address the issue to the best of its ability and resents the accusations that Miami Beach is targeting the homeless.

Robert Middaugh, Assistant City Manager, stated that the City is not working in a vacuum. The City is spending hundreds of thousands of dollars on staff, resources, making beds available along with transitional housing and a whole myriad of services and care for the homeless. This ordinance is not an integral part of the homeless program.

Commissioner Cruz stated that this has nothing to do with the homeless and explained his personal experiences at Lummus Park, when he visited with his children and was confronted with an individual who happened to be a sexual offender, as confirmed by the Police.

Vice-Mayor Gross requested the following amendments to the ordinance:

Amendment 1:

Delete the last sentence on Section 4, page 309.

This amendment **was not** accepted by Commissioner Garcia who moved the ordinance.

Martha Diaz, Assistant City Attorney, stated that it is premature to be worried about a constitutional attack.

Murray Dubbin, City Attorney, stated that he feels the last sentence is constitutionally weak and should be deleted. Location(s) will need to be established by ordinance.

Commissioner Garcia reversed his first decision and accepted the amendment.

Amendment 2

Section 4: the bed must be available before a law enforcement officer can approach a person engaged in camping.

Commissioner Garcia did not accept the second amendment.

Handout:

1. Notice of Ad in Miami Herald

12:24:50 p.m.

R5F Procedures For The Review Of Demolition Of Historically Significant Single Family Homes An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations", Article II, "District Regulations", Division 2, "Single Family Residential Districts," By Creating Procedures For The Review And Approval Of Demolition Requests For Architecturally Significant Single Family Homes Constructed Prior To 1962 And Not Located Within A Designated Historic District; Providing For Repealer, Codification, Severability And An Effective Date. **11:00 A.M. First Reading, Public Hearing.**
(Planning Department)

ACTION: Discussion held. **Ordinance approved on first reading as amended.** Motion made by Commissioner Bower with the 1942 date; seconded by Commissioner Cruz; Ballot vote: 6-1; Opposed: Commissioner Steinberg. Second Reading and Public Hearing scheduled for April 10, 2002. R. Parcher to notice. Lilia Cardillo to place on the Commission agenda. Jorge Gomez to handle.

- 1) The architecturally significant single family homes constructed prior to date changed from 1962 to 1942.

Mayor Dermer, Vice-Mayor Gross and Commissioners Garcia, Smith and Cruz agreed with changing the architecturally significant single family homes constructed prior to date from 1962 to 1942.

Commissioner Bower expressed her disappointed, but compromised with the 1942 date. She asked that preservation hearings be held after 5:00 p.m. for those people who live in Miami Beach and support preservation but work during the day.

Commissioner Steinberg argued the issue of taking away someone's property rights, although he does not have a problem with controlling what is built. He opposed supporting either the 1942 or 1962 dates; however, he is in support of the zoning changes that control future construction of buildings.

Vice-Mayor Gross recommended the following amendments:

Amendment 1:

Section B (1) "...application for demolition of any architecturally significant home arising ..."

Amendment 2:

Section B (1)(a) "a full set of ~~construction documents submitted for permit associated with the floor plans and elevations prepared by a Florida registered architect depicting the new~~ renovation or rehabilitation

Amendment 3:

Section 6 - last paragraph. "...must be filed with the Planning Department, ~~within 10 calendar days of rendition of the decision or determination of the Planning Director, or designee.~~"

Gary Held stated that Vice-Mayor Gross submitted some language changes which do not materially change the substance of the criteria under partial demolition on page 322.

Jorge Gomez recommended the following amendment: b (2) "An application for demolition of such home cannot be approved by the Building Official without prior review ~~concurrence~~ of the SFRRB". In no instance shall the board deny an application for demolition after exploring all options with the applicant.

Gary Held, First Assistant City Attorney, asked Commissioner Bower for clarification in regards to the board meetings being held after 5:00 p.m. Jorge Gomez stated that he envisions the board meetings to be held in the evenings.

Mr. Held added that Commissioner Smith made a point about a variance to this procedure and the way it is presently written would be to the Board of Adjustment, based upon hardships, not a special master. Even the review board would be bound by the criteria that the Planning Director is considering. He stated that additional language should be added.

Commissioner Smith referred to a hardship situation, whereby someone owns a small house on a large lot and wishes to demolish the architecturally significant house.

Commissioner Smith amendments:

Section b (2) before the word "alternatives" add the word "reasonable."

Section d (1) change "estoppel" to "waiver of/or."

Handout:

1. Notice of Ad in Miami Herald
2. Copies of color photos labeled #1
3. Copies of color photos labeled #2
4. Copies of color photos labeled #3
5. Speakers List

City Clerk's note:

Land Use and Development Committee recommendation 1942, Historic Preservation Board 1962, Planning Board 1962, and the interim procedures for demolition shall only apply to homes built through 1941 (pre WW II)

5:50:07 p.m.

R5G An Ordinance Amending Subpart B Of The Land Development Regulations Of The Miami Beach City Code; Amending Chapter 118, "Administration And Review Procedures," Article X, "Historic Preservation," Division 4, "Designation," Section 118-593, "Historic Preservation Designation," Subsection 118-593(E), "Delineation On Zoning Map" By Designating The Flagler Memorial And Monument Island As An Historic Site To Be Known As The "Flagler Memorial And Monument Island Historic Site," Located Between The Macarthur And Venetian Causeways In Biscayne Bay, As More Particularly Described In The Ordinance; Providing That The City's Zoning Map Shall Be Amended To Include The Flagler Memorial And Monument Island As An Historic Site; Adopting The Designation Report Attached As Appendix "A"; Providing For Inclusion In The Land Development Regulations Of The City Code; Repealer; Severability; And An Effective Date. **5:01 P.M. First And Only Reading, Public Hearing.**

(Planning Department)

(Designation Report Submitted Under Separate Cover)

ACTION: Public Hearing held. **Ordinance Number 2002-3354 adopted on first and only reading.** Motion made by Commissioner Garcia; seconded by Commissioner Steinberg; Ballot vote: 6-0; Absent: Commissioner Cruz. R. Parcher to transmit to Municipal Code Corporation. Jorge Gomez to handle.

Mr. Mathew Leibowitz lives directly across from the monument. He is in favor of the designation of the Flagler Memorial Monument. He stated that the City has mixed thoughts, desires and goals with respect to the monument, and has wasted hundreds of thousands of dollars, that have literally gone up in flames because of the shrubbery planted. The monument is beautiful, as is the island. It is a true treasure, but it is also a nuisance for the neighbors. At times there are hundreds of boats at the site and all-night parties are held. The City Commission has designated this as a park and it should close at 7:00 p.m. He added that the island is being abused. He has written to the City Commission several times about the abuse, the garbage and dead carcasses that are found at the site. The neighbors are affected by this and he feels they are not being protected.

Commissioner Garcia reassured Mr. Leibowitz that he has been voicing his opinion at every meeting and guarantees that the Commission will be receptive to the needs of the neighbors. No mulch will be used, only local vegetation will be used. He added that by designating the monument a park, the area should be patrolled better, especially with the "no camping" ordinance in place. He will follow up on this.

Vice-Mayor Gross directed the Administration to provide the guidelines to maintain the monument in order to qualify for the \$250,000 federal grant. William Cary requested that an educational program be developed in addition to the guidelines to qualify for the grant.

Issue of the educational programming referred to the Neighborhoods Committee. **Vivian Guzman to place on agenda.**

Handout:

1. Notice of Ad in Miami Herald

7:06:10 p.m.

R5H An Ordinance Amending Subpart B Of The Land Development Regulations Of The Miami Beach City Code; Amending Chapter 118, "Administration And Review Procedures," Article X, "Historic Preservation," Division 4, "Designation," Section 118-593, "Historic Preservation Designation," Subsection 118-593(E), "Delineation On Zoning Map" By Designating The 69th Street Fire Station (Now Known As Fire Station No. 4) As An Historic Site To Be Known As The "Historic 69th Street Fire Station," Located At 6860 Indian Creek Drive, As More Particularly Described In The Ordinance; Providing That The City's Zoning Map Shall Be Amended To Include The 69th Street Fire Station As An Historic Site; Adopting The Designation Report Attached As Appendix "A"; Providing For Inclusion In The Land Development Regulations Of The City Code; Repealer; Severability; And An Effective Date. **5:05 P.M. First And Only Reading, Public Hearing.**

(Planning Department)

(Designation Report Submitted Under Separate Cover)

ACTION: Heard in conjunction with Report Item "D." Public Hearing held. **Ordinance Number 2002-3355 adopted on first and only reading.** Motion made by Commissioner Garcia; seconded by Commissioner Bower; Ballot vote: 5-2; Opposed: Vice-Mayor Gross and Commissioner Steinberg. R. Parcher to transmit to Municipal Code Corporation. Jorge Gomez to handle.

Robert Middaugh, Assistant City Manager, and Todd Osborne, Representative from URS, gave a status report based on the Agenda Report Item "D."

Jorge Gonzalez, City Manager, gave a status report.

Commissioner Bower commended everyone, including the public, for their input and work on this issue. She would like to know if the expense of moving the building is going to be an issue that the Commission will have to defend.

Vice-Mayor Gross inquired about the economic benefit of moving the building and its intended use after the move. The estimated cost to move and restore the building is approximately \$500,000 and it does not make financial sense to save the building.

Jorge Gonzalez, City Manager, stated that the use has not been determined yet; however, it could possibly be used by the Police personnel who are presently located in the boathouse. It can also be used as a launching pad for canoes, or some other use. He added that the G.O. Bond funds, when placed to the voters, called for rehabilitation and renovation, which limits the way the money can be used.

Commissioner Bower questioned if the project qualifies for historic preservation grants.

William Cary replied that the City qualifies for grants by applying for special category grants from the State. He gave a summary of the reasons why the building should be designated and relocated.

Handout:

1. Notice of Ad in Miami Herald

4:21:30 p.m.

R5I An Ordinance Amending Chapter 82 Of The Miami Beach City Code Entitled "Public Property' By Amending Section 82-412 Thereof Entitled "Posting Of Signs On Utility Company Property Or Public Property Prohibited; Enforcement; Fines; Appeal"; By Amending Subsection (A) And (F) Thereof To Provide For The Enforcement Of And Penalties For Illegal Signs In The Right-Of-Way Affixed Or Secured; Providing For Codification, Repealer, Severability, And An Effective Date. **First Reading.** (Neighborhood Services)

ACTION: Discussion held. **Ordinance approved on first reading as amended.** Motion made by Commissioner Garcia to approve the amended ordinance handed out by the Administration; seconded by Commissioner Steinberg; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for April 10, 2002. R. Parcher to notice. Lilia Cardillo to place on the Commission agenda. Vivian Guzman to handle.

Amendment 1:

Subsection (a) (1) replaced with "Signs affixed or held with a securing device. In the event that an illegal sign(s) in the public right-of-way is affixed with an adhesive, glue, staples, tacks, or nails that requires extraordinary effort, labor and or materials to remove, then said sign shall be subject of enforcement as outlined in this section."

Subsection (c) add: "Extraordinary Effort, Labor and materials shall mean where a city employee cannot remove the sign by simply standing on the public right-of-way and pulling on the sign for its removal, extraordinary effort, labor and material include having to scrape, pry with a device and or reach with a ladder or lifting device and/or require more than one individual for removal, and/or require patching or painting, or in the case of attachment to landscaping require special treatment to the trees or plant materials to which it was attached."

Subsection (f) (4) First offense for illegal sign(s) in the public right-of-way affixed with an adhesive, glue staples, tacks or nails that requires extraordinary effort, labor and materials to remove -\$150.00

Subsection (f) (5) Second offense (within one year of the fines of the first offense) for illegal sign(s) in the public right-of-way affixed with an adhesive, glue, staples, tacks, or nails that requires extraordinary effort, labor and materials to remove -\$400.00

Subsection (f) (6) Third offense/additional offenses (within one year of the fines of the first offense) for illegal sign(s) in the public right-of-way affixed with an adhesive, glue, staples, tacks, or nails that requires extra ordinary effort, labor and materials to remove - \$750.00

Amendment 2:

Vice-Mayor Gross requested that language be added to clarify who is responsible for the violation. This should be done for second reading. He inquired as to who would be obligated to pay the fines, since property owners have no control of those individuals that post signs on their property.

Vivian Guzman stated that the person benefiting from the sign would be the person paying for the fine.

Mayor Dermer asked if this applied to political signs. Vivian Guzman, Neighborhood Services Director, stated that it applied to all signs.

Commissioner Garcia asked if this new citation for political signs carry a warning period. Al Childress, Code Enforcement Director, replied that it does.

Vice-Mayor Gross requested the Administration to notify all event promoters and club owners in the City of this ordinance. **Al Childress to handle.**

8:57:25 p.m.

- R5J An Ordinance Amending Chapter 2 Of The Miami Beach City Code Entitled "Administration," By Amending Article III Thereof Entitled "Agencies, Boards, And Committees"; By Amending Division 9 Thereof Entitled "Health Advisory Committee"; By Amending Section 2-81 (d) Entitled "Composition" By Amending The Membership Of The Board To Eliminate A Member From The Miami Heart Institute And Adding An Additional Board Member Which May Be A Representative From An Assisted Living Facility; Providing For Repealer; Codification; Severability, And An Effective Date. **First Reading.**
(Human Resources)

ACTION: Discussion held. **Ordinance approved on first reading.** Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for April 10, 2002. R. Parcher to notice. Lilia Cardillo to place on the Commission agenda. T.C. Adderly to handle.

8:54:08 p.m.

- R5K An Ordinance Amending Ordinance No. 1605, The Unclassified Employees Salary Ordinance; Increasing On The First Pay Period Starting May 1, 2002, The Minimum Of The Ranges By 4% And The Maximum Of The Ranges By 4.755%; Providing For A Repealer, Severability, Effective Date And Codification. **First Reading.**
(Human Resources)

ACTION: Discussion held. **Ordinance approved on first reading.** Motion made by Commissioner Bower; seconded by Commissioner Steinberg; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for April 10, 2002. R. Parcher to notice. Lilia Cardillo to place on the Commission agenda. T.C. Adderly to handle.

8:56:15 p.m.

- R5L An Ordinance Amending Ordinance No. 789, The Classified Employees Salary Ordinance, For Classifications In Group VI, Being Other Classifications In The Classified Service Not Covered By A Bargaining Unit; Increasing On The First Pay Period Starting May 1, 2002, The Minimum Of The Ranges By 4% And The Maximum Of The Ranges By 4.755%, To Reflect The Current Classification And Pay System; Providing For A Repealer, Severability, Effective Date And Codification. **First Reading.**
(Human Resources)

ACTION: Discussion held. **Ordinance approved on first reading.** Motion made by Commissioner Steinberg; seconded by Commissioner Garcia; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for April 10, 2002. R. Parcher to notice. Lilia Cardillo to place on the Commission agenda. T.C. Adderly to handle.

8:58:42 p.m.

R5M An Ordinance Amending Miami Beach City Code Section 38-6 Entitled "Prohibited Campaign Contributions By Vendors, Etc." By Mandating That The City Publish Notice Requirements Of This Ordinance, Establishing Responsibility Of Candidates For Elected Office To Determine Status Of Potential Donor As Vendor, Clarifying And Creating Definitions, Creating Additional Waiver Provision When Termination Of Existing Contract Would Be Adverse To City's Best Interests; Providing For Repealer, Severability, Codification And An Effective Date. **First Reading.**
(Requested By Commissioner Jose Smith)

ACTION: Discussion held. **Item referred.**

Motion made by Commissioner Smith to adopt the ordinance. Discussion continued.

Motion made by Vice-Mayor Gross to refer this item to the Community Affairs Committee. Discussion continued.

Item referred to the Community Affairs Committee by acclamation of the City Commission. **Mayra Diaz Buttacavoli to place on the Committee agenda.**

6:50:46 p.m.

R5N An Ordinance Amending Chapter 14 Of The Miami Beach City Code, Entitled "Building Regulations," By Amending Chapter 14 To Provide For A Part I Which Will Contain The Current Construction Standards And By Making The Current Construction Standards Applicable To Permits Applied For Before March 1, 2002; By Creating A Part II To Chapter 14 Which Will Adopt The Florida Building Code And Provide For Construction Standards To Be Applicable To Permits Applied For On Or After March 1, 2002; And By Amending The Fee Schedule Set Forth In Appendix A To The City Code To Provide Fees And Charges For Part II To Chapter 14; Providing For A Repealer, Codification, Severability, And An Effective Date. **First Reading.**
(Building Department)

ACTION: Discussion held. **Ordinance approved on first reading.** Motion made by Commissioner Bower; seconded by Commissioner Steinberg; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for April 10, 2002. R. Parcher to notice. Lilia Cardillo to place on the Commission agenda. Phil Azan to handle.

Commissioner Garcia asked Phil Azan, Building Department Director, to explain what are the changes of the South Florida Building Code as mandated by Florida Statute and how it affects the City.

Mr. Azan reviewed some of the most significant changes and stated that the fees have not changed. However, he pointed out that F.S. 553.79 affects plan reviews and inspection, when the local jurisdiction has to make more than three plan reviews or turn downs on an inspection, by the new Florida Statute we are required to charge a fee of four times the normal fee. This figure has not been finalized so it will be brought back at a future time.

Vice-Mayor Gross requested the item be referred to a joint meeting of the Business Resolution Task Force and the Land Use and Development Committee to review the changes. Item referred by acclamation of the City Commission. **Christina Cuervo and Jorge Gomez to coordinate a joint meeting before April 10.**

Commissioner Smith asked for the status of using special or private inspectors versus city inspectors.

Mr. Azan stated that each local jurisdiction can choose to accept an affidavit from an architect or an engineer. Miami-Dade County has opted to accept affidavits. The City of Miami Beach, based on the history and experience of reviews and construction process, has decided not to accept the affidavit because it is too risky.

R6 - Commission Committee Reports

R6A Report Of The Community Affairs Committee Meeting Of March 1, 2002: **1)** Discussion Regarding Legislation (1) Prohibiting Anyone Involved In Election Campaign From Soliciting Contracts From The City Commission, (2) Prohibiting "Undisclosed Bundling" Of Campaign Contribution Checks, And (3) The Open Disclosure Of Fees Paid To Lobbyists Registered In The City Of Miami Beach; **2)** Discussion Regarding Amending Miami Beach City Code Chapter 2 "Administration", Division 2 Thereof By Creating Section 2-460 Entitled "Continuing Application For Two Years After City Service", Prohibiting Certain Post-Employment Activity Of City Officers Or Employees For A Period Of Two Years After Leaving City Employment; **3)** Special Events Policy Regarding Markets; **4)** Discussion Regarding Review And Recommendation On A Citizen's Request To Televis, On Government Channel 20, Meetings Of The City Commission Committees; **5)** Discussion To Review And Enhance The Banner Approval And Placement Criteria; **6)** Discussion Regarding The Use And Need Of The Nuisance Abatement Board; And **7)** Discussion To Review The Administration's Policy Of Requests Made By The Mayor Or A City Commissioner To Place An Item On The City Commission Agenda.

ACTION: Item not reached. Lilia Cardillo to place on April 10 Consent Agenda.

3. Administration to meet with the merchants where the markets are held and discuss a methodology of permitting markets in the future. Such methodology should include the frequency, exclusivity, types and participation for the markets. **James Quinlan to handle.**

R6B Report Of The G.O. Bond Oversight Committee Meeting Of March 4, 2002: **1)** Projects Status Report; **2)** Recommendation To Appropriate Funds: (a) Normandy Isle Park And Pool Construction Appropriations; **3)** Informational Items: (a) Updated Calendar Of Scheduled Community Design Workshops; (b) Community Design Workshop #2 - Nautilus ROW Improvements; (c) Community Design Workshop #2 - Bayshore ROW Improvements; (d) Community Design Workshop #2 - Flamingo/Lummas ROW Improvements; (e) Results Of Normandy Drive/71st Street Corridor Enhancements First FDOT Community Meeting; And **4)** Change Order Report..

ACTION: Item not reached. Lilia Cardillo to place on April 10 Consent Agenda.

- 1a) The Committee passed a motion recommending that the Commission give an authorization of funding to Glatting Jackson, for architectural and engineering for the West Avenue/Bay Road Neighborhood to plan up to three east-west streets that are potential recommendations for GO Bond streetscape funding. The Administration will bring an item back to the Committee at its April 1, 2002 meeting with specific recommendations. **Tim Hemstreet to handle.**
- 1b) The Administration informed the Committee that on March 18, 2002, there would be a groundbreaking ceremony for the North Shore Park & Youth Center project.

R6C Report Of The Land Use And Development Committee Meeting Of March 11, 2002: **1)** Discussion On Vessels Docked In Single Family Districts; **2)** Single Family Development Regulations; And **3)** Discussion On Inventory Of Street Ends.

ACTION: Item not reached. Lilia Cardillo to place on April 10 Consent Agenda.

- 1a) Motion directing the Administration to prepare an ordinance that prohibits anyone from living aboard any boat, vessel or watercraft docked or moored at any single family or multi-family residential district. **Jorge Gomez to handle.**
- 1b) Motion to refer to the Marine Authority Board several questions outlined in the Commission Agenda for their review and recommendations. **Eric Wardle to handle.**
3. Motion to accept the Administration's recommendation to consider the sale of the two uniquely situated streetends to the adjacent property owners with the appropriate utility easements. **Fred Beckmann to handle.**

R6D Verbal Report Of The Finance And Citywide Projects Committee Meeting Of March 19, 2002: **1)** Discussion Relative To LNR Property Corporation Relocation To Lincoln Place.

ACTION: Item not reached. Lilia Cardillo to place on April 10 Consent Agenda.

R7 - Resolutions

R7A A Resolution Approving, By 5/7ths Vote, As Required By Section 255.20(1)(a)(10), Florida Statutes, And Chapter 2, Article VI, Division 3, Section 2-367 (e) Of The Miami Beach City Code, Respectively, A Waiver Of Formal Competitive Bidding; Finding, Following A Duly Noticed Public Hearing And Upon Consideration Of The Criteria Set Forth In This Resolution And Attachments Hereto, Such Waiver To Be In The Best Interest Of The City; Authorizing The Award Of A Construction Contract For The Construction Of The Sunset Harbour Neighborhood Drainage Improvements Project To RIC-Man International, Inc., In An Amount Not To Exceed \$400,000; Authorizing The Appropriation Of Funds From The Series 2000 Stormwater Bond Fund 428 And Stormwater Utility Operating Fund 427, In An Amount Not To Exceed \$400,000. **2:15 P.M. Public Hearing.**
(Public Works)

ACTION: Withdrawn.

Handout:

1. Notice of Ad in Miami Herald

10:31:50 a.m.

- R7B A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Qualifications Received Pursuant To Request For Qualifications (RFQ) No. 57-00/01, For Providing Professional Engineering, Landscaping And Architectural Services For Design And Implementation Of Phase II Of The South Pointe Streetscape Improvements Project; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm Of Wolfberg Alvarez, And Should The Administration Not Be Able To Negotiate An Agreement With The Top-Ranked Firm; Authorizing The Administration To Negotiate With The Second-Ranked Firm Of Bermello, Ajamil And Partners, And Should The Administration Not Be Able To Negotiate An Agreement With The Second-Ranked Firm; Further Authorizing The Administration To Negotiate With The Third-Ranked Firm Of Edaw. **Joint City Commission And Redevelopment Agency.**
(Capital Improvement Projects)

ACTION: Item heard in conjunction with item RDA-3B. Resolution No. 2002-24798 adopted. Motion made by Commissioner Bower; seconded by Commissioner Garcia; Voice vote: 7-0. Tim Hemstreet to handle.

10:42:26 a.m.

- R7C A Resolution Approving Amendment No. 4, To The Architectural And Engineering Agreement With Robert A. M. Stern Architects, For The Cultural Campus/Regional Library Project, For Additional Services, In The Amount Of \$20,798, To Complete The Conceptual Design Of The Renovation Of The Existing Rotunda Building At Collins Park Under The Terms Of The Approved Master Plan. **Joint City Commission And Redevelopment Agency.**
(Capital Improvement Projects)

ACTION: Item heard in conjunction with item RDA-3C (See Discussion RDA-3C). Resolution No. 2002-24799 adopted. Motion made by Commissioner Bower; seconded by Vice-Mayor Gross; Voice vote: 7-0. Tim Hemstreet to handle.

4:00:19 p.m.

- R7D A Resolution Awarding A Construction Contract To Regosa Engineering, Inc., Pursuant To Request For Proposal No. 21-00/01, For The Construction Of The Normandy Isle Park And Pool Facility; Approving And Authorizing The Appropriation Of Funds, In The Amount Of \$389,000 (Comprised Of \$300,000 From The Fiscal Year 2000/2001 North Beach Quality Of Life Funds, \$89,000 From The \$92 Million General Obligation Bond Fund, (Comprised Of \$49,000 From The Normandy Isle And Normandie Sud Neighborhood Improvement Project And \$40,000 From The ADA Citywide Renovation Projects), To Cover The Following Expenses For The Construction Of The Normandy Isle Park And Pool Facility: \$49,000 For The Construction Of 22 New On-Street Parking Spaces On Trouville Esplanade And Rue Granville; \$40,000 For The Construction Of Accessible Walkways And Ramps; \$80,288 To Complete The Construction Cost For The Pool Facility, And \$219,712 As Construction Contingency Fund.
(Capital Improvement Projects)

ACTION: Resolution No. 2002-24800 adopted. Motion made by Commissioner Smith; seconded by Commissioner Bower; Voice vote: 6-0; Absent Commissioner Cruz. Patricia Walker to appropriate the funds. Tim Hemstreet to handle.

Commissioner Smith stated that just a few weeks ago this project was going no where, and he complimented the Administration and everyone on the progress made.

4:11:11 p.m.

- R7E A Resolution Authorizing The Use Of \$164,209 In Community Development Block Grant (CDBG)

Funding For The North Shore Park And Youth Center Project, Toward The Youth Center Building And Approving The Reallocation Of \$164,209 Of Existing General Obligation Bond Funds Within The Project Budget As Follows: \$60,184 For Project Contingencies; \$50,904 To Restore Value-Engineered Items In The Youth Center Building; And \$53,121 For The Construction Of Two (2) Additional Tennis Courts With Lighting.

(Capital Improvement Projects)

ACTION: Resolution No. 2002-24801 adopted. Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Voice vote: 6-0; Absent Commissioner Cruz. Patricia Walker to reallocate funds. Tim Hemstreet to handle.

Jorge Gonzalez, City Manager, thanked NBDC for partnering with the City to make sure that the pool, the Youth Center and the park could be accomplished.

Commissioner Smith complimented the Administration and NBDC for their efforts and stated that there are other items in the "wish-list" that the Youth Center could not accomplish because of lack of funding.

Vice-Mayor Gross announced to the public that the groundbreaking for the North Beach Youth Center project took place on Thursday, March 14. He congratulated everyone involved including Joe Fontana and the Administration.

4:31:54 p.m.

6:59:40 p.m.

R7F A Resolution Rejecting All Bids Received In Response To Invitation To Bid No. 02-01/02, For The Construction Of The City Of Miami Beach Regional Library.
(Capital Improvement Projects)

ACTION: Item deferred. Motion made by Commissioner Bower to defer the item; seconded by Commissioner Steinberg; Voice vote 7-0.

Jorge Gonzalez, City Manager, gave an overview of why the bids are being rejected. The reason why the bids are being rejected is because the bidders failed to demonstrate the ability to do the work the City is seeking. Recommending that the bids be rejected, clarify the minimum experience requirements, and seek new bids.

Tim Hemstreet spoke.

Jaime E. Borrelli with Robert M. Stern spoke.

Mr. Mike Nardone with URS spoke. He stated that the best way to define the criteria of the bid is by size and type. Size is broken into two categories: 1) dollar amount and 2) square footage. Type equals finishes such as terrazzo floors, detail plasterwork, detail woodwork, and exterior stone and terra-cotta fascia.

Jorge Chartrand, Senior Capital Projects Coordinator, spoke.

Raul Aguila, Assistant City Attorney, gave an overview of the legal issues.
Vice-Mayor Gross inquired as to how many sites were visited by the City.

Mr. Mike Nardone replied that four (4) Tower sites were visited, and two (2) sites each were visited for the other two (2) vendors.

Jorge Gonzalez, City Manager, stated that the bid requested each responder to select their two (2) most representative sites to visit.

Commissioner Garcia asked for a clarification of the bid protest ordinance.

Raul Aguila, gave an overview of the bid protest ordinance.

Commissioner Garcia added that he would like to have the Commission hire outside counsel to interrupt the bid protest ordinance.

Sylvester Lukis, Fred Balsera, and Tony Burke, CEO of The Tower Group, spoke on behalf of The Tower Group.

Carter McDowell and Albert Dotson spoke on behalf of the Regosa Engineering, Inc.

05:48:52 p.m. - Continued:

Motion made by Commissioner Smith to approve the Administration's recommendation; seconded by Mayor Dermer for discussion. Discussion continued. Mayor Dermer withdrew his second.

Commissioner Steinberg informed that at least two (2) of the bidders may have additional information. The Administration should evaluate the additional information to see if the new information helps the Administration make a recommendation.

Commissioner Gross asked if the sub-contractors should be evaluated rather than the bidders.

Jorge Gonzalez, City Manager, stated that if it is the sentiment of the Commission, the Administration will re-evaluate. The Administration can seek additional examples of where each company demonstrates their ability, as the Administration determines it to be, by pursuing it beyond the general contractor or at the sub-contractor level. He added that the Administration is concerned about taking this route because of the negative experience of the general contractor and sub contractors at the Bass Museum project.

Mayor Dermer asked Jaime E. Borrelli with Robert M. Stern if he can look at the sub contractors to determine if they are qualified.

Raul Aguila stated that if additional due diligence is required, each bidder should submit to the City the two or three representative projects that they believe comply with the minimum requirement.

Jorge Gonzalez, City Manager, stated that the minimum requirements listed in the Commission Memorandum are what the City wishes each of the bidders to show the Administration; representative projects which are: \$5 million minimum value building, buildings over 30,000 square feet that are non-warehouse and non-industrial, and demonstrate custom millwork, curved wood circulation desk, and built-in shelving. Each bidder is to give the Administration four (4) projects which represent the above criteria. He concluded by asking the Administration and the bidders to contact the bidders not present, and to meet to figure out what is the most fair way to pursue this.

Mayor Dermer withdrew his second.

6:59:44 p.m. -

After the meeting was held with the bidders, Legal and the Administration.

ACTION:

Raul Aguila, Assistant City Attorney, stated that following the directive of the Commission, Tim Hemstreet, Robert Middaugh, and himself had met with the bidders present (Tower Group and Regosa) and their representatives and developed the recommended criteria. Raul Aguila stated that

to be very clear the City is not supplementing the terms of the bid, but clarifying the City's intent with regards to the interpretation of the minimum requirement.

Bidders are to provide the City, by the close of business Friday, March 22, the following:

- 1 Three (3) representative projects, preferably in the counties of Monroe, Dade, Broward , or West Palm Beach for inspection by the City.
2. With regard to the minimum requirements and the City's interpretation or the requirement in the bid. the project size and type should conform to the proposed project size and type (library or similar type of project)
 - Project size for the library is 40,000 sq. ft.,
 - Project budget is approximately \$7.1 million dollars
 - Non-industrial and non-warehouse project
 - Looking for projects with high end finishes.

The Administration will report back at the next Commission meeting.

Raul Aguila, Assistant City Attorney, will contact the third bidder.

The Commission and the Administration were reminded that the Cone of Silence is back on.

Handout:

1. Letters from Gus Lopez, Procurement Director, to Ms. Draguisa Gomero, Regosa Engineering, Mr. Anthony J. Burke, CEO, The Tower Group, and Mr. Jerry Gillman, President, S.F.C.S., Inc, all dated March 21, 2002, RE: Invitation to Bid No 02-01/02 -- Construction of the City of Miami Beach Regional Library (the "Bid")
2. Booklet titled "Regional Library Bid No. 02-01/02 March 20, 2002" submitted by The Tower Group
3. Letter to Jorge Gonzalez, City Manager, from Mr. Anthony J. Burke, Chief Executive Officer, The Tower Group, dated March 19, 2002.
4. Letter to Anthony J. Burke, CEO, The Tower Group, from Raul J. Aguila, First Assistant City Attorney, dated March 19, 2002, via facsimile, RE: Bid No. 02-01/02 - Construction of the City of Miami Beach Regional Library
5. Letter to Mr. Anthony J. Burke, CEO, The Tower Group, from Jorge M. Gonzalez, City Manager, dated March 20, 2002, via facsimile, RE: Bid No. 02-01/02 - Construction of the City of Miami Beach Regional Library
6. Letter to City of Miami Beach Mayor and Commissioners from Zoila M, Datorre (Member of the Advisory Board for the Miami-Dade Public Library and a resident of Miami Beach) dated March 19, 2002.

4:03:47 p.m.

R7G A Resolution Approving And Authorizing \$403,901 In City Of Miami Beach Quality Of Life/Resort Tax Funding From Fiscal Year 2000/2001 (Less \$35,195.05 Of Administrative Charges To North Beach Development Corporation) For Improvements In The North Beach Community; And Reallocating \$270,243.38 In Prior Years' Quality Of Life Funding, In The Amounts Of \$9,999.19 From Fiscal Year 96/97; \$159,775.29 From Fiscal Year 97/98; \$35,000 From Fiscal Year 98/99; And \$65,468.90 From Fiscal Year 99/00; Providing \$638,949.33 For The Purpose Of Funding Tourism Oriented Projects In The North Beach Area; And Approval Of Future Quality Of Life Funds From Fiscal Year 2001/2002 In An Amount Of \$55,777 To Complete The North Shore Tennis Center Project.
(Neighborhood Services)

ACTION: Resolution No. 2002-24802 adopted. Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Voice vote: 6-0; Absent: Commissioner Cruz. Patricia Walker to appropriate and reallocate funds. Robert Middaugh to handle.

Mayor Dermer asked the Administration to bring a status report during Commission to see where the City is going with this.

Commissioner Steinberg stated that the North Beach Development Corp. (NBDC) requested the City Commission to hold a workshop on the 63rd Street construction and removal of the fly over.

Jorge Gonzalez, City Manager, stated that a status report will be brought to subsequent Commission meetings identifying the current status of the project and future plans. Mayor Dermer requested this item be given a time-certain. **Fred Beckmann to handle. Lilia Cardillo to place on agenda.**

Commissioner Steinberg stated that questions had been raised as to the possible scope of previous study, and whether or not the scope of the study was adequate to look at the traffic impact. North Beach Development Corp. (NBDC) is concerned about the possible impact of construction phase especially in light of FDOT's construction proposal. The concern revolves around 65th Street intersection, whether it was considered or not in the scope of the study.

Jerry Libbin, NBDC, stated that the Board is very concerned about making sure that there is advanced planning, because although the FDOT project is not scheduled until 2004, there is a life safety issue with fire trucks from Fire Station 4 not being able to get to Allison Island. He also made reference to the \$300,000 allocated for the Ronald W. Shane Water Sports Center in the G.O. Bond process. Legal Department determined, after voter approval, that the funds could not be used for its intended purpose. Mayor Dermer and Commissioner Smith stated that based on a legal opinion, the funds could be used any place in the City. Mr. Libbin asked if the funds could be used at the park and pool. Jorge Gonzalez, City Manager, cautioned about trying to reprogram the funds at this time because the Administration had not an opportunity to fully research this.

3:58:31 p.m.

- R7H A Resolution Adopting The Second Amendment To The Police Confiscation Trust Fund For Fiscal Year 2001/02, In The Amount Of \$1,322,284 To Be Funded From The Proceeds Of State (\$1,248,100) And Federal-Justice (\$74,184) Confiscated Funds.
(Police Department)

ACTION: Resolution No. 2002-24803 adopted. Motion made by Commissioner Bower; seconded by Vice-Mayor Gross; Voice vote: 6-0; Absent: Commissioner Cruz. Patricia Walker and Chief De Lucca to handle.

6:02:38 p.m.

- R7I A Resolution Awarding A Contract To Laumar Roofing South Inc., In The Amount Of \$282,345 For The Partial Replacement Of The Roof And The Partial Replacement Of The Air Conditioning Equipment At The Byron Carlyle Theater.
(Public Works)
(Deferred From February 20, 2002)

ACTION: Resolution No. 2002-24804 adopted. Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Voice vote: 6-0; Absent: Commissioner Cruz. Fred Beckmann to handle.

Motion made by Mayor Dermer to refer the Phase II issues of the Byron Carlyle Theater to the Finance and Citywide Project Committee. Deferred by acclamation of the City Commission. **Patricia Walker to place on the Committee agenda. Christina Cuervo to handle.**

Jorge Gonzalez, City Manager, stated that Phase I was to stabilize the building and build out the lobby area to allow for office space. This item can be considered Phase IA, to replace the roof in order to continue to stabilize the building. Phase II is estimated to cost \$1.2 million to rehabilitate the facility, primarily the auditorium space to create a production area. It could be used as a substitute area while the Colony Theater undergoes renovations. The Administration has identified the \$1.2 million funding, but the sources are not fully committed.

Commissioner Smith stated that the Amendment to the Interlocal Agreement (CDT money) identifies millions and millions of dollars that the City will be receiving within the next couple of years.

Commissioner Garcia asked if some of the venues scheduled at the Colony Theater could be moved to the Byron-Carlyle Theater.

Christina Cuervo, Assistant City Manager, stated that the Colony Theater is closing in July. Phase II renovations are not scheduled to be completed until December. The Administration has been meeting with TOPA to try to work out an alternative site for the Colony Theater venues.

- R7J A Resolution Approving The Miami Beach Business Assistance Program And Further Directing The Administration To Negotiate With LNR Property Corporation To Provide Additional Assistance For Their Relocation To Miami Beach.
(City Manager's Office)

ACTION: Withdrawn.

R9 - New Business and Commission Requests

R9A Board and Committee Appointments.

(City Clerk's Office)

ACTION: Item not reached. Item to be scheduled as a time-certain on the April 10, 2002 agenda.**Beach Preservation Board:**

Armando Trabanco term expires 12/31/03 appointed by Commissioner Garcia

Beautification Committee:Milton Montalvo term expires 12/31/02 appointed by Mayor Dermer
James Weingarten term expires 12/31/02 appointed by Commissioner Cruz**Committee on the Homeless:**

Zeiven Beithchman term expires 12/31/03 appointed by Mayor Dermer

Convention Center Advisory Board:

Norman Litz term expires 12/31/03 appointed by Commissioner Smith

Debarment Committee:

Todd Tautfest* term expires 12/31/02 appointed by Mayor Dermer

Mr. Tautfest reinstated to correct an error. Mr. Tautfest's term had not expired.

Mr. Martinez, appointed by Mayor Dermer, was notified of this action.

Hispanic Affairs Committee:

Rolando Gonzalez term expires 12/31/03 appointed by Commissioner Bower

Marine Authority:

Stuart Reed term expires 12/31/03 appointed by Mayor Dermer

Youth Center Advisory Board:

Anita Grossman* term expires 12/31/03 appointed by Commissioner Bower

Ms. Grossman removed and notified that she does not qualify for this committee.

Handout:

1. Letter to Mayor and City Commission from Grisette Roque Marcos, Executive Director, Miami Beach Visitors and Convention Authority (VCA), dated March 18, 2002.

R9B(1) Dr. Stanley Sutnick Citizen's Forum. (1:30 p.m.).**ACTION: No speakers.****R9B(2) Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.).****ACTION: Not reached.****R9C Discussion Regarding The Municipal Mobility Plan.**
(Requested By Commissioner Richard L. Steinberg)**ACTION: Item not reached. Lilia Cardillo to place on April 10 agenda.**

- R9D Discussion Regarding An Ordinance Relating To Implementing A Local Preference In The Award Of Contracts For Goods And Services To Miami Beach-Based Vendors.
(Requested By Commissioner Jose Smith)

ACTION: Item not reached. Lilia Cardillo to place on April 10 agenda.

- R9E Discussion Regarding An Ordinance Amending City Code Entitled "Lobbyist" By Creating A Section Entitled "Contingency Fee Prohibited."
(Requested By Commissioner Matti Herrera Bower)

ACTION: Item discussed with item R9F. Legal Department to prepare and ordinance April 10, 2002. Lilia Cardillo to place on agenda.

7:53:00 p.m.

- R9F Discussion Regarding An Ordinance Amending City Code "Lobbyist" By Creating Two Sections Entitled "Fee Disclosure," And "Prohibited Lobbying Activities."
(Requested By Commissioner Matti Herrera Bower)

ACTION: Discussion held and heard in conjunction with R9E.

Commissioner Bower presented the item.

Jean Olin, First City Attorney, gave an oral presentation.

Commissioner Smith asked when does the disclosure takes place. Jean Olin stated that it is not addressed in the proposed ordinance, but a disclosure should be before a vote. The appropriate language will be added to the ordinance. **Jean Olin to handle.**

Mayor Dermer requested Jean Olin, First Assistant City Attorney, to call the Ethics Commission and obtain a list of cities with this type of legislation in place. **Jean Olin to handle.**

Commissioner Smith has a problem prohibiting contingency fees because that is the only way poor people can afford the use of a lobbyist.

Vice-Mayor Gross asked what is the penalty for violating this ordinance.

Jean Olin stated that it is \$500 per violation. The Miami-Dade Commission on Ethics and Public Trust has the option to assess another violation of up to \$500 per violation or to suspend the lobbyist from lobbying for up to a year.

Amendments need to be added to the ordinance and placed on the April 10 Commission Agenda. Legal Department to handle.

- R9G Discussion Regarding Rental Motor Scooters.
(Requested By Commissioner Jose Smith)

ACTION: Item not reached. Lilia Cardillo to place on Agenda.

- R9H Discussion Regarding Convention Center Development Tax.

(Requested By Commissioner Jose Smith)

ACTION: Item not reached. Lilia Cardillo to place on Agenda.

10:05:45 am.

R9I Discussion Regarding A Resolution Urging The Florida State Legislature To Prevent The Redistricting Proposal Affecting Miami Beach Residents Which Is Contained In House Bill 1987 From Taking Effect And To Reconsider The New District Lines In Conference.

(Requested By Commissioner Richard L. Steinberg)

ACTION: Resolution No. 2002-24776 adopted. Motion made by Commissioner Steinberg; seconded by Commissioners Bower/Garcia; Voice vote 7-0. Christina Cuervo to transmit to the City's Lobbyists for distribution.

Commissioner Steinberg informed the Commission that the State Legislature has redrawn the districts. The redistricting was approved by the Florida House and will have an impact on the City of Miami Beach.

Mayor Dermer state that he has mixed feeling regarding this issue because if this is approved Miami Beach could have three (3) representatives rather than two (2).

Commissioner Garcia stated that it looks like Representative Gelber is being punished for not falling in line.

Commissioner Smith believes it is unrealistic to get Tallahassee to do anything and suggested encouraging the residents to get involved if a lawsuit is filed.

Commissioner Cruz stated that the City should join in any lawsuit relative to this matter.

Murray Dubbin, City Attorney, stated that until final action is taken it would be premature to file a lawsuit. The City will be prepared to file a lawsuit if it can be determined that Federal Constitutional guidelines for reapportionment have not been followed. In his opinion the City would have a standing.

Mayor Dermer stated that no matter what the legislature does, the entire Commission should extend ourselves to whoever our representatives are going to be and make sure that our needs are heard.

- R9J Discussion/Referral Regarding Quality Of Education Committee.
(Requested By Commissioner Matti Herrera Bower)

ACTION: Item not reached. Lilia Cardillo to place on Agenda.

4:12:35 p.m.

- R9K Discussion Of An Ordinance Amending City Code Provisions Regarding Street Performers And Art Vendors To Provide For Additional Locations And Opportunities For Street Performers.
(Requested By Commissioner Matti Herrera Bower)

ACTION: Discussion held. Referred. Motion made by Commissioner Bower to refer to the Land Use and Development Committee; seconded by Commissioner Steinberg; Voice-vote 7-0, Jorge Gomez to place on the committee agenda.

Commissioner Bower explained that having five (5) places for artists and five (5) places for performers will be a different and perhaps fairer way to handle.

Gary Held, Assistant City Attorney, stated that as the Commission Memorandum addresses that while the Administration was researching the alternatives, the ACLU and a private attorney representing several performers contacted the City to express concern with the ordinance.

6:27:04 p.m.

- R9L Discussion Regarding Various Complaints Received As To The Inspection And Permitting Process By The Life Safety Analyst.
(Requested By Commissioner Luis R. Garcia, Jr.)

ACTION: Discussion held.

Commissioner Garcia referenced complaints about the permitting process for new buildings and remodeling as far as life safety issues. The complaint is violations found by one inspector can sometimes be the direct opposite of what another inspector may find. He feels the expertise at the fire prevention supervisory level is lacking.

Vice-Mayor Gross stated he met with Chief Jordan and shares Commissioner Garcia's concerns.

Chief Jordan stated as an example, when a mechanical contractor calls for an inspection of a smoke evacuation system a plans analyst will show up and conducts the inspection. If the inspection fails a list of deficiencies will be provided. If the general contractor requests an inspection and If another plans analyst does the inspection to the same building, the inspector will be looking at more issues than those requested by the mechanical contractor. This is where the difference comes in. One inspector is called for a very specific inspection and the other is called for a board range of inspections. The lists of deficiencies, in most cases, will be different.

Commissioner Garcia stated that his concern is the contradictory rulings. This happened with the ballet.

Chief Jordan stated that another part of the problem is that plans analyst reviews plans which are two-dimensional; actual construction is three-dimensional. In addition, the plans analyst reviews the plans for two hours. Another reason is the phase of construction. The building may be 25% complete. On the next inspection the building is 50% complete. The inspector has an opportunity to see more of the building, which may contain deficiencies. Another reason is design changes. Change orders may affect the fire code.

Vice-Mayor Gross stated that there is lack of continuity in the Fire Marshal position in the Fire Department. He asked to find ways in which to ensure that there is continuity in this position and ways to encourage a candidate with strong capabilities to stay in that position.

Chief Jordan explained that the Fire Marshal takes the same course that a fire inspector takes. The plans analysts have much more training and expertise.

Commissioner Garcia stated that the Fire Prevention Bureau has people supervising who are less qualified than the people they are supervising. Life safety issues have a lot of gray areas.

Commissioner Smith stated that he has heard this issue before he became a Commissioner and stated someone suggested that perhaps one inspector should be assigned to a particular building to avoid contradiction.

Chief Jordan stated that the Fire Department is preparing a set of recommendations to improve the process and reduce the complaints. This will be submitted to the City Manager.

Commissioner Smith added that there are a lot of concerns from the community about inspectors missing their appointments and inquired about the probabilities of conducting inspections during weekends.

Chief Jordan replied that the Fire Department has a weekend inspection program, which has been in place for about four weeks. He would like to create a new position to supervise the plans examiners by creating a Plans Examiner II position. This will be done through the budget process.

Commissioner Garcia asked if the Fire Department was providing a punch list. Captain De Grange stated that punch lists are given for all inspections. He is not sure if punch lists are always signed by the responsible party, but he will make the recommendation. **Chief Jordan to handle.**

R10 - City Attorney Reports

R10A Notice Of Closed Executive Session..

Pursuant To Section 286.011, Florida Statutes, A Closed Executive Session Will Be Held During Lunch Recess Of The City Commission Meeting On March 20, 2002 In The City Manager's Large Conference Room, Fourth Floor, City Hall, To Discuss Settlement Issues Of The Following Case:

Carmen Patterson And Michael Somberg, Vs. City Of Miami Beach. Eleventh Judicial Circuit, General Jurisdiction, Case No. 97-22879 CA 25

The Following Individuals Will Be In Attendance: Mayor David Dermer; Members Of The Commission: Matti Herrera Bower, Simon Cruz, Luis R. Garcia Jr., Saul Gross, Jose Smith And Richard L. Steinberg; City Attorney Murray H. Dubbin, City Manager Jorge M. Gonzalez, Senior Assistant City Attorney Kelli Cohen And Special Counsels Denise Heekin, Esq. And James Crosland, Esq.

ACTION: Announced and held.

R10B Notice Of Closed Executive Session.

Pursuant To Section 286.011, Florida Statutes, A Closed Executive Session Will Be Held During Lunch Recess Of The City Commission Meeting On March 20, 2002 In The City Manager's Large Conference Room, Fourth Floor, City Hall, To Discuss Pending Litigation On The Following Cases:

West Side Partners, Ltd., A Florida Limited Partnership; East Coastline Development, Ltd., A Florida Limited Partnership; 404 Investments, Ltd., A Florida Limited Partnership; Azure Coast Development, Ltd., A Florida Limited Partnership; Beachwalk Development Corporation, A Florida Corporation; Portofino Real Estate Fund, Ltd., A Florida Limited Partnership; St. Tropez Real Estate Fund, Ltd., A Florida Limited Partnership; And Sun & Fun, Inc., A Florida Corporation, Vs. City Of Miami Beach, A Florida Municipal Corporation. Eleventh Judicial Circuit, General Jurisdiction, Case No. 98-13274 CA-30.

East Coastline Development, Ltd. Vs. City Of Miami Beach, Florida, A Political Subdivision Of The State Of Florida And Jerry Blair. Circuit Court Of The Eleventh Judicial Circuit Of Florida, Appellate Division, Case No. 01-335AP

East Coastline Development, Ltd., A Florida Limited Partnership Vs. City Of Miami Beach, A Florida Municipal Corporation. Circuit Court Of The Eleventh Judicial Circuit Of Florida, General Jurisdiction Division, Case No. 01-26231 CA 32 (Removed To US Dist. Court, So. Dist. Of Fla. Case No. 01-4921 CIV-MORENO)

East Coastline Development, Ltd., A Florida Limited Partnership, And Catherine F. Colonnese, A Registered Voter In The City Of Miami Beach, Florida, Vs. City Of Miami Beach, A Florida Municipal Corporation. Circuit Court Of The Eleventh Judicial Circuit Of Florida, General Jurisdiction Division, Case No. 01-25812 CA 30 (On Appeal In Third District Court Of Appeal Case No. 3DOI-3350)

The Following Individuals Will Be In Attendance: Mayor David Dermer; Members Of The Commission: Matti H. Bower, Simon Cruz, Luis R. Garcia Jr., Saul Gross, Jose Smith And Richard Steinberg; City Attorney Murray H. Dubbin, City Manager Jorge Gonzalez, Deputy City Attorney Robert Dixon, Deputy City Attorney Jean Olin, First Assistant City Attorney Debora Turner, First Assistant City Attorney Gary Held, Special Counsels Richard Ovelmen And Dan Paul.

ACTION: Announced and held.

Reports and Informational Items

A City Attorney's Status Report.

(City Attorney's Office)

ACTION: Written report submitted.

B Parking Status Report.

(Parking Department)

ACTION: Written report submitted.

C Status Report On The Rehabilitation Project Of The Existing Building And The Addition To Fire Station No. 2.

(Capital Improvement Projects)

ACTION: Written report submitted.

D Status Report On The General Obligation Bond Funded Project For The Rehabilitation Of Fire Station No. 4.

(Capital Improvement Projects)

ACTION: Written report submitted.

E Informational Report To The Mayor And City Commission, On All Existing City Contracts For Renewal Or Extensions In The Next 180 Days, Which By Their Terms Or Pursuant To Change Orders Exceed \$25,000.

(Procurement)

ACTION: Written report submitted.

8:41:56 p.m.

F Status Report On Dialogue With RDP Royal Palm Crowne Plaza.
(City Manager's Office)

ACTION: Written report submitted. Commissioner Cruz gave a verbal report.

Jorge Gonzalez, City Manager, reported that the Administration, Commissioner Cruz, Mr. Peebles and his representatives are still meeting and discussing the issues. As of early this week the City has received a written proposal from Mr. Peebles.

Commissioner Cruz stated that he has met twice on this issue. Some basic parameters were established. Mr. Peebles put forth a list of items and options for the City to consider. The City did not believe the list of items and options was the proper way to proceed. Mr. Peebles has since submitted a new list of talking points and options.

Mr. Sylvester Lukis spoke.

Commissioner Cruz asked the City Manager to circulate the summary the City has prepared and the two (2) proposals submitted by Mr. Peebles. He also stated that if any Commissioner had any suggestions or ideas to submit them to the City Manager.

Vice-Mayor Gross stated that the City should resolve all of the outstanding issues at one time rather than piece meal.

Jorge Gonzalez, City Manager, stated that it is difficult to put a time frame on discussions. It is important for him not to have a clock on this. Mr. Peebles is working diligently and in good faith.

Vice-Mayor Gross stated that the City is not receiving any rent and suggested that Mr. Peebles start paying rent.

Commissioner Cruz added that the City is not negotiating but only having discussions on the issue, and it is a very complex situation.

End of Regular Agenda

**Miami Beach Redevelopment Agency
Commission Chambers, 3rd Floor, City Hall
1700 Convention Center Drive
March 20, 2002**

Chairman of the Board David Dermer
Member of the Board Matti Herrera Bower
Member of the Board Simon Cruz
Member of the Board Luis R. Garcia, Jr.
Member of the Board Saul Gross
Member of the Board Jose Smith
Member of the Board Richard L. Steinberg

Executive Director Jorge M. Gonzalez
Assistant Director Christina M. Cuervo
Assistant Director Mayra Diaz Buttacavoli
General Counsel Murray H. Dubbin
Secretary Robert E. Parcher

AGENDA

1. ROLL CALL: All members present.

2. OLD BUSINESS

10:23:00 a.m.

- A Report Of The Itemized Revenues And Expenditures Of The Miami Beach Redevelopment Agency For The Month Of January 2002.

ACTION: Written report submitted.

10:23:00 a.m.

- B Anchor Shops And Parking - Monthly Report On Parking Operations, Month Of January 2002.

ACTION: Written report submitted.

NEW BUSINESS

- A A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency Approving In Concept An Assignment Of Lease From Flagler System Management, Inc., To CDP Capital/Montreal Mode Investissements, In Connection With Suite "B/C" In The Anchors Shops At South Beach.

ACTION: Resolution No. 411-2002 adopted. Motion made by Commissioner Bower; seconded by Commissioner Smith; Voice-vote: 7-0. Christina Cuervo to handle.

10:24:28 a.m.

- B A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency Accepting The Recommendation Of The Executive Director Of The Redevelopment Agency Pertaining To The Ranking Of Qualifications Received Pursuant To Request For

Qualifications (RFQ) No. 57-00/01, For Providing Professional Engineering, Landscaping And Architectural Services For Design And Implementation Of Phase II Of The South Pointe Streetscape Improvements Project; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm Of Wolfberg Alvarez, And Should The Redevelopment Agency Staff Not Be Able To Negotiate An Agreement With The Top-Ranked Firm; Authorizing The Staff To Negotiate With The Second-Ranked Firm Of Bermello, Ajamil And Partners, And Should The Staff Not Be Able To Negotiate An Agreement With The Second-Ranked Firm, Further Authorizing The Staff To Negotiate With The Third-Ranked Firm Of Edaw. **Joint City Commission And Redevelopment Agency.**

ACTION: Item heard in conjunction with item R7B. Resolution No. 412-2002 adopted. Motion made by Commissioner Bower; seconded by Commissioner Garcia; Voice vote: 7-0. Tim Hemstreet to handle.

Tim Hemstreet gave an overview of the item.

Vice-Mayor Gross wants to make sure that none of the people who are being awarded the contract have made contributions within the last 12 months as provided under the vendor ordinance. **Gus Lopez to handle.**

Vice-Mayor Gross stated that he understands that the City Attorney's Office has taken the position that it's only the prime contractor who is being awarded the contract that is subject to the vendor ordinance.

Murray Dubbin, City Attorney, explained the Legal Department's interpretation of joint ventures. For example, an architect/engineer who is awarded a contract pursuant to an RFP and has put together a joint venture with maybe five, six, seven or eight other architect/engineers, sub-engineers, or other sub-professionals. The Legal Department interrupts the Vendor Ordinance to define the vendor, in this case, as the joint venture, in its entirety. Any particular member of that joint venture that does not have financial control over the joint venture would not be considered a vendor under the ordinance.

Commissioner Smith stated that he is proposing amendments to the Vendor Ordinance to address the issue being raised. It is not his intent that controlling interests be defined so that a vendor needs 51% of controlling interest in order to be deemed a vendor. There is an item on this Agenda which, if approved, will lower the percentage to 10%. Therefore, anyone who has 10% or more in a venture would be considered a principle.

10:32:04 a.m.

- C A Resolution Of The Chairman And Members Of The Board Of The Miami Beach Redevelopment Agency Appropriating Funds, In The Amount Of \$20,978, From The City Center Tax Increment Funds, And Approving Amendment No. 4, To The Architectural And Engineering Agreement With Robert A. M. Stern Architects For The Cultural Campus/ Regional Library Project, For Additional Services, In The Amount Of \$20,978, To Complete The Conceptual Design For The Renovation Of The Existing Rotunda Building At Collins Park Under The Terms Of The Approved Master Plan. **Joint City Commission And Redevelopment Agency.**

ACTION: Item heard in conjunction with item R7C. Resolution No. 413-2002 adopted. Motion made by Commissioner Bower; seconded by Commissioner Garcia; Voice vote: 7-0. Tim Hemstreet to handle.

City Clerk's note: Before signing the agreement make sure that the scope of services regarding meetings has been clarified.

Tim Hemstreet gave an overview of the item.

Vice-Mayor Gross stated that the write-up by the Administration is at odds with the proposal by Mr. Stern relative to the scope of services. In the proposal it states that he will attend one (1) community meeting. The write-up states there will be a series of meeting, a community workshop, a charette and other things. He suggested clarifying this and either change the write up or amend Mr. Stern's proposal.

Jorge Chartrand explained the discrepancy. The agreement will be modified before it is signed. **Jorge Chartrand to handle.**

Commissioner Smith requested clarification on the issue of paying the architect \$20,000 for a sketch, which if the City Commission approves, would cost an additional \$100,000 for construction drawings when the City does not have funding. Commissioner Smith understood that the rotunda was going to be moved to another site.

Jorge Gonzalez, City Manager, explained that while doing the Collins Parks Cultural Campus designs some commitments or thoughts were given to preserving the rotunda as historic and making it a multi-use black box type of facility. This area is within the City Center RDA so funding could come from RDA funds. This has been discussed already at a Finance and Citywide Projects Committee meeting. The cost is not known at this time.

Jorge Chartrand added that the plan is to keep the rotunda where it is.

Christina Cuervo stated that last Tuesday, March 12 was the soft opening of Fuddrucker's Restaurant on 16th Street and Washington Ave.

Meeting adjourned at 9:00:50 p.m.

End of RDA Agenda